



CABINET

Monday, 22 October 2018

10.00 a.m.

**Council Chamber, Rotherham Town Hall,
Moorgate Street, Rotherham. S60 2TH**

Cabinet Members:-

Leader of the Council
Deputy Leader of the Council,
Children's Services and Neighbourhood Working Portfolio
Adult Social Care and Health Portfolio
Cleaner, Greener Communities
Corporate Services and Finance Portfolio
Housing Portfolio
Jobs and the Local Economy Portfolio
Waste, Roads and Community Safety Portfolio

Councillor Chris Read
Councillor Gordon Watson

Councillor David Roche
Councillor Sarah Allen
Councillor Saghir Alam
Councillor Dominic Beck
Councillor Denise Lelliott
Councillor Emma Hoddinott

Rotherham
Metropolitan
Borough Council 

CABINET

Venue: Council Chamber - Rotherham Town Hall, Moorgate Street, Rotherham, South Yorkshire S60 2TH

Date and Time: Monday, 22nd October, 2018 at 10.00 a.m.

Agenda Contact James McLaughlin, Head of Democratic Services
01709 822477 or james.mclaughlin@rotherham.gov.uk

This meeting will be webcast live and will be available to view via the [Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Democratic Services Officer of their intentions prior to the meeting.

A G E N D A

1. Apologies for Absence

To receive apologies from any Member who is unable to attend the meeting.

2. Declarations of Interest

To invite Councillors to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

3. Questions from Members of the Public

To receive questions from members of the public who wish to ask a general question in respect of matters within the Council's area of responsibility or influence.

Subject to the Chair's discretion, members of the public may ask one question and one supplementary question, which should relate to the original question and answered received.

Councillors may also ask questions under this agenda item.

4. Minutes of the Previous Meeting (Pages 1 - 11)

To receive the record of proceedings of the Cabinet and Commissioners' Decision Making Meeting held on 17 September 2018.

5. Exclusion of the Press and Public

There are no agenda items which would require the exclusion of the press or public from the meeting.

CHILDREN'S SERVICES AND NEIGHBOURHOOD WORKING

6. Implementation of the Early Help Strategy 2016-2019: 'Phase Two & Phase Three' (Pages 13 - 91)

Report of the Strategic Director of Children and Young People's Services

Recommendations:-

1. That Cabinet agree to the implementation of Phases Two and Three of the Early Help Strategy incorporating;
 - (a) The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer).
 - (b) The introduction of a borough wide Intervention Hub which will expand upon the current evidenced based programmes used by Early Help practitioners across the borough.
 - (c) An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.
 - (d) A reduction in the number of Heads of Service posts from four to three.
 - (e) The creation of Early Help Service Manager Posts.
 - (f) Greater integration of the Youth Offending Team (YOT), bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care.
2. That Cabinet agree to continue to deliver a targeted youth offer for young people in localities and relocate staff, surrendering leases at;
 - Herringthorpe (Central Locality)
 - Treeton (South Locality)
 - Kiveton (South Locality)
 - Maltby Linx (South Locality)
 - Swinton (North Locality)
3. That Cabinet agree to de-register the three Children's Centres whilst ensuring the Children Centre offer is provided to families within the designated locality.
 - Park View
 - Broom Valley
 - Wath Victoria

WASTE, ROADS AND COMMUNITY SAFETY

7. Modern Slavery Update and Transparency Statement (Pages 93 - 103)

Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the report be noted.
2. That the Draft Transparency Statement at Appendix 1 be approved for publication.

8. Amendment to the General Enforcement Policy (Pages 105 - 152)

Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the proposed amendment to the General Enforcement Policy be considered and approval be given to undertake public consultation in respect of the proposed changes to the Policy.
2. That a further report be provided to Cabinet in spring 2019 for consideration following public consultation.

9. House to House Collections Policy (Pages 153 - 182)

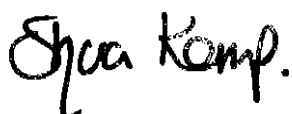
Report of the Strategic Director of Regeneration and Environment

Recommendations:-

1. That the draft policy be considered and approval be given to take the Policy to consultation with relevant individuals and organisations.
2. That, following consultation, the Policy be brought back to Cabinet in the spring of 2019 to consider adoption.

10. Recommendations from Overview and Scrutiny Management Board

To receive a report detailing the recommendations of the Overview and Scrutiny Management Board in respect of items that were subject to pre-decision scrutiny on 17 October 2018.



SHARON KEMP,
Chief Executive.

**CABINET/COMMISSIONERS'
DECISION MAKING MEETING
Monday, 17th September, 2018**

Present:- Councillor Read (in the Chair); Commissioner Kenny, Councillors Alam, Allen, Hoddinott, Lelliott, Roche and Watson.

Also in attendance Councillor Steele, Chair of the Overview and Scrutiny Management Board.

Apologies for absence were received from Councillor Beck, Commissioner Bradwell and Commissioner Ney.

The webcast of Cabinet and Commissioners' Decision Making Meetings can be viewed at:-

<https://rotherham.public-i.tv/core/portal/webcasts/enctag/Executive%252BArea>

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. QUESTIONS FROM MEMBERS OF THE PUBLIC

(1) A member of the public referred to the Neighbourhood Working Strategy 2017/18 in relation to the proposed demolition of the former Kimberworth Infants School and how assets could be drawn on with buildings revitalised through community asset transfer and used as local community hubs.

Councillor Lelliott had chaired a meeting on 14th March, 2018 which considered the Strategic Asset Management Plan and Property Reviews and a question was asked about non-operational properties and the criteria. The criteria applied depended on the benefit to the community and use and demand for properties. It stipulated consultation would take place with ward members and interested parties on the use of the properties going forward.

The member of the public, therefore, asked were the ward councillors consulted, did the Council explore all avenues, involve or find any interested parties, did the Council explore the possible benefit to the community and determine what the demand for this building would be, did the Council discuss, consider or determine what other use of the building and if so who and what were they.

Part of the process of asset transfers involved the asset management review and the member of the public also asked was there a stakeholder or any other list made before any decision was made to dispose of this building and why the community not informed of the community right to bid for community asset transfers. He referenced the Rotherham West Ward Plan which put building stronger communities at the heart.

Councillor Lelliott confirmed the former Kimberworth Infants School building had not been declared surplus and still formed part of the Council estate. Had it been it would have followed the due process outlined by the member of the public as part of the asset transfer rules.

The Assistant Director for Planning, Regeneration and Transport further reiterated the process if the building had been declared surplus to the Local Authority and how it would follow the asset transfer process. Whilst this dilapidated building was no longer required the Council had not declared the site surplus and wished to retain this for its own use. The building was recommendation for demolition and the land was to be utilised by the Council.

In a supplementary question the member of the public failed to understand why the Council wished to retain the land, but not the building and asked what the Council required the land for. The site co-located an NHS building at the bottom of the site and had an adequate parking. If this was to be used as further car parking this would come at a cost. He further asked what other uses the Council had planned for the site when the building had the potential to become a fantastic community hub. The Council's own policy stated that communities were to be consulted when a building was redundant, which was the case, but the land was still to be retained for further use by the Council. In his opinion no other avenues had been explored as to the community asset transfer of this building and the community of Kimberworth knew nothing about it other than a notice of demolition post which was pre-ordained and raised many questions.

Councillor Lelliott reiterated the building had not been declared surplus and the site in which the NHS building was located did belong to the Council.

The Assistant Director for Planning, Regeneration and Transport confirmed Ward Members were consulted in early 2018 and the public consultation was via the published and posted demolition notice because the Council was not looking to dispose of the asset. If the asset was not to be retained, either the building or the land, then would have followed the asset disposal process policy. The site initially was to be used as a car park to support the joint Council and NHS services co-located in this area.

The member of the public questioned the level of car parking by the NHS building at the bottom of the site which he believed had adequate car parking and was not needed. Since the publication of the demolition notice very few vehicles had been observed in the car park.

To assist the Leader of the Council asked that the service set out in detail in writing the plans for this site.

(2) A member of the public also referred to the response to the question raised at the Council Meeting on the 5th September, 2018 relating to the former Kimberworth Infants School where he asked what were the Council's operational requirements for this site if it did not require the building and regarding any security on the length of tenure on the asset transfer. He referred to matters that were happening on this site and asked what the obvious things were when the car parking was adequate for the NHS and nothing to do with the Council ownership on this land or an evident need for a car park.

The Assistant Director for Planning, Regeneration and Transport confirmed there were financial considerations around maintaining a redundant building. Additional use for the site was for a car park to support the NHS and Council on that site.

In a supplementary question the member of the public asked what was happening on the site that would allow a poor security of tenure as referred to at the Council Meeting on 5th September, 2018.

Councillor Lelliott again confirmed there was a requirement for car parking overspill for those co-located services that were already on the site.

The Assistant Director for Planning, Regeneration and Transport pointed out the Council did not deem this site to be sold or leased to another organisation, but the asset was to be retained. Building demolition would follow and Ward Members had been informed accordingly.

(3) A member of the public asked what was proposed or planned for the Addison Centre or the land when the building closed down for its services.

Councillor Roche confirmed a number of options were being considered, but no definite plan. Nexus had now met with officers and had expressed interest in that building as a post 16 centre and this would be considered further once the centre was closed. Any other interest in the building or the site would also be considered should any come forward.

In a supplementary question the member of the public asked why would the Council wait until the building closed before any changes occurred and would there be further consultation with the surrounding areas about future use.

Councillor Roche confirmed Nexus were not interested in taking forward the building until it was empty and he would need to look into whether or not further consultation would be required and appropriate legal advice sought.

29. MINUTES OF THE PREVIOUS MEETING HELD ON 6 AUGUST 2018

Resolved:- That the minutes of the Cabinet and Commissioners' Decision Making Meeting held on 6th August, 2018, be agreed as a true and correct record of the proceedings.

30. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the agenda items 11 and 12 on the grounds that the appendices involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

31. JULY 2018/19 FINANCIAL MONITORING REPORT

Consideration was given to the report which set out the financial position as at the end of July, 2018 based on actual costs and income for the four months April to July, 2018 with a forecast for the remaining eight months of the financial year.

As at July 2018, the Council was expecting to deliver a balanced General Fund budget by the financial year-end, after taking account of the £10m budget contingency approved within the 2018/19 budget.

However, to achieve this position a number of mitigating savings actions and further spending reductions were required to be identified and implemented across all Council services, in order to offset the impact of a range of cost and demand pressures impacting on the Council's budgets.

Cabinet Members outlined the current position for the two large areas of overspend and it was noted that for Children's and Young People's Services Directorate the overspending against budget was continuing in the current financial year as a result of demand for services outstripping budget capacity. The number of children in care continued to increase this financial year and had reached 649 at the time of writing this report. The increased number of Looked after Children also placed significant pressure as did the number of young people requiring support from the Leaving Care Service following the increase of provision up to the age of twenty-five.

The targeted initiative “Right Child, Right Care” was profiled to result in a significant reduction in looked after children and a process to ensure that the young people were in the right placements for their needs. There was also pressure within Early Help and whilst this was being reduced through effective vacancy management there still remained some pressure. Challenges to potential efficiencies were continuing to take place.

The Adult Care Services Directorate was forecasting an overall overspend of £6.221m. A combination of increased client numbers, the rising cost of care packages, and delays in delivery of savings plans have led to pressure on budgets across all client groups. A recovery plan had been developed to address previously undelivered savings and project plans were currently being finalised with the expectation that further savings would be identified from this activity. The main reasons for the delayed delivery of savings were related to the complexity of new cases and the historical assessment practice across all cohorts in terms of over reliance on residential care and poor application of self directed support.

Mitigating actions to deliver a balanced budget position, after use of the budget contingency were outlined as part of the report.

Resolved:- (1) That the forecast General Fund balanced budget position after use of the budget contingency be noted.

(2) That management actions continue to address areas of overspend, provide enhanced controls over all spend and identify alternative and additional savings.

(3) That the alternative budget savings proposals for Regeneration and Environment, and Finance and Customer Services as referenced in paragraph 3.4.4 and 3.6.7 be approved.

(4) That the updated Capital Programme be noted.

32. COUNCIL PLAN QUARTER 1 PERFORMANCE REPORT

Consideration was given to the report which detailed Quarter 1 Performance for the Council Plan and provided an analysis of the Council's current performance against fourteen key delivery outcomes and seventy measures.

At the end of the first quarter (April to June 2018) twenty-six measures had either met or had exceeded the target. This represented 47.2% of the total number of indicators where data was available or where targets have been set. This was an improvement over Q4 for 2017/2018 where 43.9% of indicators hit their targets. The direction of travel was positive for 25 (44.6%) of the indicators measured in this quarter. This, however, was down on the 49% figure for Q4 last year. The Priority area with the highest proportion of targets met remained Priority 4 (Extending Opportunity and Prosperity).

Cabinet Members were invited to highlight progress and performance related to their portfolio areas.

Councillor Allen, Cabinet Member for Cleaner Greener Communities, reported that visitor numbers overall were up against Quarter 4, but a little down compared to last year's figures due to the poor weather in April. The customer satisfaction figures in relation to Clifton Park were yet to be included and this could change positively the direction of travel. There had also been an increase in the number of customer contacts related to street cleansing, grounds maintenance and litter. However, this was primarily as a result of the wet spring which led to a delay in grass cutting.

Changes have been made to the way in which informal complaints were registered and it was expected as a result there would be an increase in the number of registered complaints.

The number of engagements with the Council's culture and leisure facilities which helped adults and children learn, develop their skills and get a job was an area of strong performance achieving 37% of the annual target in Quarter 1.

Councillor Lelliott, Cabinet Member for Jobs and the Local Economy, reported that many of the measures related to her own area where annual targets. She reported a strong performance in relation to the number of businesses that received help to start up from the Council.

Performance on the number of new homes delivered in the borough fell slightly short with 134 homes against a target of 138, but with the adoption of the Local Plan this should move development forward. Rotherham's Planning service had also won service of the year which was excellent news for the borough.

Councillor Hoddinott, Cabinet Member for Waste, Roads and Community Safety, reported on the positive improvement to the reduction in the number of repeat victims of anti-social behaviour and the positive progress in the increased recycling rates.

Performance remained high in the percentage of taxi licence holders complying with the Council's Hackney Carriage and Private Hire Policy. However, proactive inspection of licensed vehicles in the first quarter highlighted a number of defects in vehicles which were rectified and ten drivers were issued with warnings for non-compliance.

An area requiring improvement related to a 4.3% reduction in positive outcomes to hate crime investigations to the same period last year. The Police had reported an increase in satisfaction levels for how hate crime was being dealt with and treated seriously.

Effective enforcement action required some improvement with a reduction in the number of fixed penalty notices being issued. The shared service with Doncaster was now operational and this should show significant progress in the next quarter.

Councillor Alam, Cabinet Member for Customer Services and Finance, reported on the in-year collection performance for Council Tax which was slightly down on the previous year. There were a number of contributory factors including the gradual roll-out of Universal Credit, but this would be closely monitored.

Councillor Watson, Deputy Leader, highlighted positive progress in the number of children subject to repeat child protection plans, and the decreased trend in fixed term exclusions.

However, there had been an increase in the numbers of children requiring social care intervention with Rotherham being higher than similar authorities. There had also been an increase in the percentage number of children not in education, employment or training with a proportion of young people's status not being known increasing the target by 0.5%.

Councillor Roche, Cabinet Member for Adult Social Care and Health, reported on the positive progress in the reduction in the target for smoking during pregnancy and how Rotherham's smoking rates was the lowest in South Yorkshire.

Childhood immunisations latest data confirmed this to be above the target level of 95% at 96.7%.

Latest figures for successful completion of opiate and non-opiate exits had dropped, but the new contract and service with CGL was now in operation with positive early indications.

Adult social care was showing good performance in relation to the number of people provided with information and advice at the first point of contact along with the number of new clients receiving short term service.

Off target was the number of safeguarding investigations completed. However, the safeguarding role had now moved into the Single Point of Access team to share knowledge and support staff. This had also impacted on indicator 2.B2 as there had been a significant reduction in the number of concerns which progressed to further safeguarding enquiries. The Council was working alongside other Yorkshire and Humber authorities to develop a consistent approach to the recording and capture of safeguarding activity which would in turn support meaningful benchmarking data.

Resolved:- (1) That the overall position and direction of travel in relation to performance be noted.

(2) That consideration be given to measures which have not progressed in accordance with the target set and the actions required to improve performance, including future performance clinics.

(3) That the performance reporting timetable for 2018/19 be noted.

**33. RESPONSE TO OVERVIEW AND SCRUTINY RECOMMENDATIONS -
USE OF INTERIMS, AGENCY AND CONSULTANCY STAFF**

Consideration was given to the report which detailed the outcome of the review following concerns by the Overview and Scrutiny Management Board at the increasing and significant forecast of in-year agency and consultancy overspend.

The review sought assurance that the Council measured performance and value for money in its use of agency staff and consultants and was taking appropriate action to maintain spend within acceptable limits. The recommendations made by Members were based on information and evidence collated during the course of the review and their challenge of existing practices and developing protocols.

The Cabinet accepted all twelve broad recommendations arising from the scrutiny review and the submitted schedule provided the detail.

The Chair of the Overview and Scrutiny Management Board welcomed the positive response and acceptance from the Cabinet and the progress would continue to be closely monitored.

Resolved:- (1) That the Cabinet's response to the scrutiny review on the Use of Agency, Interim and Consultancy Staff be approved.

(2) That the Cabinet's response be referred to the next meeting of the Overview and Scrutiny Management Board on 17th October, 2018.

34. ARCHIVES ACCREDITATION – POLICY APPROVAL

Consideration was given to the report which sought approval for an application under the Archives Accreditation Scheme and the supporting Forward Plan and key policy documents were included as part of the appendices. This scheme was the UK standard for archive services maintained by The National Archives and defined good practice and supported the ongoing development of archive services across the country.

This would enable Rotherham to continue to be a recognised Place of Deposit under the Public Records Act 1958, and which required Rotherham Archives and Local Studies to submit an application.

A successful application would be essential not only for members of the public, but also for future funders and partners, who could have confidence in the delivery of this service.

The Chair of the Overview and Scrutiny Management Board confirmed this report had been considered at the meeting of the Board on 12th September, 2018 who were fully supportive of the recommendation.

Resolved:- That the Heritage Service's Forward Plan (2018-2022) and key policy documents to support the Council's application for Archives Accreditation be approved.

35. NEW APPLICATION(S) FOR BUSINESS RATES DISCRETIONARY RELIEF

Consideration was given to two applications submitted for the award of a business rate discretionary relief in accordance with the Council's Discretionary Business Rates Relief Policy (approved 12th December 2016).

Details of the two organisations were provided.

Resolved:- (1) That 20% top up relief be awarded to Barnsley Sexual Abuse and Rape Crisis Services, The Spectrum, Coke Hill, Rotherham, S60 2HX for the period 1st April, 2018 to 31st March, 2019.

(2) That 20% top up relief be refused for Sheffield YWCA, 89 Laughton Road, Dinnington, Sheffield, S25 2PN for the period 26th March, 2018 to 31st March, 2019.

36. DISPOSAL OF LAND AT WILLIAM STREET/ WHITELEE ROAD, SWINTON

Consideration was given to the report which sought approval for the disposal of an area of land used as a private car park by way of a private treaty to the occupier.

The current occupiers had used the land as a secure car park for use by staff since 2002 and under the protected tenancy arrangement the occupiers had the continued option to purchase the freehold interest in this land at an agreed Market Value.

Resolved:- (1) That the disposal of land, as shown edged and hatched in red at Appendices 1 and 2 as detailed within Option 1 of this report, be approved.

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

37. WATH DISTRICT OFFICE, CHURCH STREET, WATH

Consideration was given to the report which sought approval for the disposal of the former Wath District Office, Church Street, Wath, which was declared surplus to requirements.

The recommended proposal (Option 1 as set out in the report) was to allow the District Office to be used for the benefit of the local community. Community interest groups such as Wath Hall Ltd. were to be given the opportunity to bid during the statutory moratorium period.

Wath Hall Ltd. have been using the building and were given a six month period to secure funding so that a community asset transfer lease may be granted. However, should the completion not be achieved during the statutory moratorium period the District Office would be disposed of at market value.

The site did have areas of green space which were used by the local community several times throughout the year. Because of the continued community use of these areas it was proposed that, should the site be disposed of, a restrictive covenant be put in place restricting any future development and any new owner from preventing access for community purposes.

Resolved:- (1) That the disposal of Wath District Office be approved, as shown edged in red at Appendix 1, as detailed within Option 1 of this report (should the disposal not complete within the six-month statutory moratorium period then it is recommended that Option 2 is pursued instead).

(2) That the Assistant Director of Planning, Regeneration and Transport be authorised to negotiate and agree the terms and conditions of the proposed disposal in consultation with the Cabinet Member for Jobs and the Local Economy, with the Assistant Director of Legal Services negotiating and completing the necessary legal documentation.

38. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the circulated report, the contents of which were included as part of the relevant item and the details included accordingly.

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Summary Sheet

Committee Name and Date of Committee Meeting

Cabinet – 22 October 2018

Report Title

Implementation of the Early Help Strategy 2016-2019: 'Phase Two & Phase Three'

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

Report Author(s)

David McWilliams, Assistant Director of Early Help & Family Engagement Services
01709 823880 or david.mcwilliams@rotherham.gov.uk

Ward(s) Affected

All

Summary

This report is concerned with the proposals for the implementation of Phase Two & Phase Three of the Early Help Strategy 2016-2019, following the 90 day public, partner, staff and young people's consultations which began in April 2018 (following 12 March 2018 Cabinet report) and which concluded in July 2018.

The report provides a summary of the ninety day consultation activity, feedback on the proposals from staff, service users and partners and an overview of how the responses have informed the final proposals. The report also covers the approved savings considered at the Overview and Scrutiny Management Board on 14 December 2017.

Recommendations

1. That Cabinet agree to the implementation of Phases Two and Three of the Early Help Strategy incorporating;
 - (a) The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer).

- (b) The introduction of a borough wide Intervention Hub which will expand upon the current evidenced based programmes used by Early Help practitioners across the borough.
 - (c) An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.
 - (d) A reduction in the number of Heads of Service posts from four to three.
 - (e) The creation of Early Help Service Manager Posts.
 - (f) Greater integration of the Youth Offending Team (YOT), bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care.
2. That Cabinet agree to continue to deliver a targeted youth offer for young people in localities and relocate staff, surrendering leases at;
- Herringthorpe (Central Locality)
 - Treeton (South Locality)
 - Kiveton (South Locality)
 - Maltby Linx (South Locality)
 - Swinton (North Locality)
3. That Cabinet agree to de-register the three Children's Centres whilst ensuring the Children Centre offer is provided to families within the designated locality.
- Park View
 - Broom Valley
 - Wath Victoria

List of Appendices Included

- Appendix A Analysis and key findings from responses to the Public, Partner, Staff and young people's 90 day consultation
- Appendix B Final buildings recommendations
- Appendix C Equality Impact Analysis
- Appendix D Guiding Principles
- Appendix E Children Centre Offer

Background Papers

- Cabinet Report: Early Help Strategy: Phase Two, Whole Service Review: 10th July 2017.
- Cabinet Report: Proposals for consultation on the implementation of Phase Two & Three the Early Help Strategy: 12th March 2018.
- Rotherham's Early Help Strategy: 2016-2019.
- Rotherham Plan, A New Perspective 2025.
- What do good early help services look like? 2016.
- The Children and Young People's Plan, 2016-2019.
- Family Hubs, A Discussion Paper, The Children's Commissioner, 2016.
- Childcare Act 2006.
- DfE Sure Start Children's Centre Statutory Guidance (April 2013).

- Early Intervention: The Next Steps, 2011.
- Working Together to Safeguard Children 2018.
- Ofsted re-inspection of Services for children in need of help and protection, children looked after and care leavers, January 2018.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 17 October 2018

Council Approval Required

No

Exempt from the Press and Public

No

Implementation of the Early Help Strategy 2016-2019: 'Phase Two & Phase Three'

1. Recommendation

- 1.1 That Cabinet agree to the implementation of Phases Two and Three of the Early Help Strategy incorporating;
- (a) The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer).
 - (b) The introduction of a borough wide Intervention Hub which will expand upon the current evidenced based programmes used by Early Help practitioners across the borough.
 - (c) An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.
 - (d) A reduction in the number of Heads of Service posts from four to three.
 - (e) The creation of Early Help Service Manager Posts.
 - (f) Greater integration of the Youth Offending Team (YOT), bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care.
- 1.2 That Cabinet agree to continue to deliver a targeted youth offer for young people in localities and relocate staff, surrendering leases at;
- Herringthorpe (Central Locality)
 - Treeton (South Locality)
 - Kiveton (South Locality)
 - Maltby Linx (South Locality)
 - Swinton (North Locality)
- 1.3 Deregister three Children's Centres whilst ensuring the Children Centre offer is provided to families within the designated locality.
- Park View
 - Broom Valley
 - Wath Victoria

2 Background

- 2.1 The revised statutory guidance, Working Together to Safeguard Children (2018) sets out the requirements for Early Help Services, stating that;

The provision of early help services should form part of a continuum of support to respond to the different levels of need of individual children and families.

Local areas should have a comprehensive range of effective, evidence-based services in place to address assessed needs early. The early help on offer should draw upon any local assessment of need, including the Joint Strategic Needs Analysis (JSNA) and the latest evidence of the effectiveness of early help programmes.

In addition to high quality support in universal services, specific local early help services will typically include family and parenting programmes, assistance with health issues, including mental health, responses to emerging thematic concerns in extra-familial contexts, and help for emerging problems relating to domestic abuse, drug or alcohol misuse by an adult or a child.

Services may also focus on improving family functioning and building the family's own capability to solve problems. This should be done within a structured, evidence-based framework involving regular review to ensure that real progress is being made. Some of these services may be delivered to parents but should always be evaluated to demonstrate the impact they are having on the outcomes for the child.

2.2 The statutory guidance makes it clear that; *all local agencies should work together to support children and families.*

2.3 The Rotherham Early Help Offer was launched in January 2016.

2.4 The vision for Early Help in Rotherham was co-produced alongside staff and partners. The vision describes;

“All agencies working together to ensure children, young people and families have their needs identified early so that they can receive swift access to targeted help and support.”

2.5 The Early Help Strategy 2016-19 is aligned to the Rotherham locality and neighbourhood based approach captured in;

- The Rotherham Plan; A New Perspective 2025.
- The Building Stronger Communities Strategy.
- The Council's Thriving Neighbourhoods Programme.
- The Safer Rotherham Partnership (SRP); Building Confident and Cohesive Communities work stream.
- South Yorkshire Police (SYP) Neighbourhood Policing Model.
- The Rotherham Place Plan.
- The Rotherham Children, Young People & Families Transformation Plan.
- The Rotherham Health & Wellbeing Strategy.

2.6 The development of Rotherham's Early Help Offer has been intrinsically linked to the Children's Services improvement journey, which has coincided with the delivery of a three year savings and efficiencies programme to contribute to the Council's approved savings.

2.7 Phase One of the Early Help Strategy introduced;

New governance through:

- The Children and Young People's Partnership and Transformation Board
- The Local Safeguarding Children Board (LSCB)
- The Member-led Early Help Review Board
- The partner-led Early Help Steering Group
- The multi-agency Early Help Practice Improvement Group

2.8 In addition, new systems, practice and processes were introduced to ensure that there is swift access to support through the Request for Support process, the Early Help Assessment and Plan (EHA) and evidence based interventions. The introduction of integrated Early Help Locality Teams followed the initial amalgamation of previously separate professional disciplines and services.

2.9 The Early Help Strategy (2016-19) describes how phase two and three will:

"We will build on our achievements made in 'Phase One' and refine our Early Help Offer through further integration and service redesign with our partners and stakeholders."

"In Phase Two we will undertake a whole service delivery redesign; developing new job roles and more efficient and effective ways of working to further embed a shared responsibility across the partnership for meeting the needs of families earlier."

"In Phase three, to ensure that our early help offer is sustainable, the Council will work in partnership to explore the potential for all-age family integrated services and look at innovative ways to reshape our existing buildings and centres into all-age delivery points in localities and communities. The Local Authority will review its staffing structures and seek to reduce management capacity as the Early Help offer becomes further embedded across the wider early help partnership."

2.10 Building upon an effective Early Help Offer:

2.11 Clear progress illustrating sustained improvements and better outcomes for Rotherham's children and families can be tracked and evidenced through performance data, service user feedback (Exit Surveys) as well as embedded quality assurance and audit activity, which is now well established since the launch of the Early Help Offer.

2.12 In January 2018 the Ofsted re-inspection of Services for children in need of help and protection, children looked after and care leavers report noted;

- *Services to children in need of help and protection are now good.*

- *The early help offer has undergone considerable transformation so that there is now a shared strategic ownership and ambition with partners. The local authority, with its partners, revised and relaunched its new early help assessment, and has worked to support partners in completing these.*
- *Families benefit from a broad range of early help services, which are becoming more integrated with social care. This facilitates an improved and seamless delivery of services to children and their families.*
- *There are a wide range of accessible and good-quality early help services delivered through locality teams, youth services, children's centres and the troubled families offer.*
- *Early help locality teams are now co-located with social care and partners across the borough. This is improving communication and the delivery of responsive interventions and services in local communities.*
- *Resources and interventions delivered are informed by intelligence gathered from the top five issues identified from referrals to social care. For example, help is appropriately focused to provide parenting support and targeted help such as counselling, attachment based family therapy and multi-systemic therapy.*
- *Feedback from families, schools and partners of the local authority demonstrates that early help is making a difference, and that families feel supported at this lower level.*
- *Partner agencies are now undertaking assessments, demonstrating their growing confidence in the arrangements.*
- *Inspectors saw some very effective work with children and families.*
- *Partners have grown in confidence in completing early help assessments.*
- *Arrangements for stepping cases up to social care or down to early help are robust, and are supported through weekly management meetings.*

2.13 The Consultation Proposals

- 2.14 The Early Help Offer is currently delivered through a range of universal, targeted and outreach work, with staff based in locality bases across a range of sites in Rotherham. Service delivery takes place in Youth Centres, Children's Centres, Schools, Community buildings and through the early Help Detached teams and Mobile Units; Streets, parks and intelligence led 'hot spots.'
- 2.15 The consultation proposed, that in the future (Phase Two & Phase Three), the Early Help Offer needs to be delivered in a way that; strengthens existing partnerships and neighbourhood working, develops new and innovative joint working arrangements and is targeted effectively to support the most vulnerable children, young people and families in the town.

2.16 The key proposals consulted upon included;

2.17 The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer). The commitment to explore the development of Family Hubs is an objective within Phase Three of the Early Help Strategy and is informed by the rationale contained within; Family Hubs, A Discussion Paper, The Children's Commissioner, October 2016.

2.18 The introduction of a borough wide Intervention Hub. This will expand upon the current evidenced based programmes used by Early Help practitioners across the borough to achieve better and more sustained outcomes for children, young people and families in Rotherham.

2.19 An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.

2.20 A reduction in the number of Heads of Service posts from four to three.

2.21 The creation of Early Help Service Manager Posts.

2.22 Greater integration of the Youth Offending Team, bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care. This is in line with the recommendations of the Taylor Review of the Youth Justice System in England & Wales December 2016.

2.23 A proposed reduction in the number of registered Children Centres from 12 to 9, whilst ensuring the Children Centre Offer within the locality is retained by delivering universal and targeted services from a range of sites better suited to the needs of families.

2.24 A proposed reduction in the number of local authority maintained Youth Centres and Early Help Team bases from eleven to six.

2.25 The proposals incorporated the approved savings to be achieved through the rationalisation of a range of properties. The buildings that have been identified are subject to a current operational property review being undertaken by the Asset Management Service.

2.26 The proposals were informed by;

- 'The Guiding Principles' (Appendix D) which were co-produced with staff in July 2017.

- Detailed analysis of workflow and demand since the Early Help Offer was launched in January 2016, deprivation data, performance data, thresholds, volume and feedback from Exit Surveys (completed by families after receiving and Early Help intervention).
- Feedback from Peer Reviews and Ofsted Monitoring and Inspection Visits.

3 Key Issues arising from the consultation activity

- 3.1 The consultation commenced on April 9th and was conducted in line with statutory requirements, with the vision and objectives set out in; the Early Help Strategy 2016-2019; the co-produced Guiding Principles and the Cabinet Report; 'Early Help Strategy, Phase Two, Whole Service Review: 10th July 2017.'

3.2 Public & Partner consultation

- 3.2.1 The consultation was delivered through 17 public and partner events across the borough, including bespoke sessions based in the centres and buildings that are in scope. Presentations to Strategic Boards throughout the consultation period were also delivered. A summary of findings from these events are outlined in Appendix A.

All Rotherham schools were informed by email of the events and children, young people and families were offered the opportunity to attend an event or engage in the online consultation.

- 3.2.2 Trade Unions have been briefed on a monthly basis regarding the implementation of the three phases of the Early Help Strategy since the launch of the Early Help Offer in January 2016 and were invited and represented at all the consultation events throughout the 90 days.
- 3.2.3 Ward Councillors were engaged throughout the process with a number of bespoke meetings and visits convened in specific Wards.
- 3.2.4 An online survey was made available on the Rotherham Council website for public and partners, and a separate 'youth' consultation was conducted and led by the Rotherham Youth Cabinet.
- 3.2.5 A dedicated Twitter account [#earlyhelpconsultation2018](#) and an email account earlyhelpconsultation@rotherham.gov.uk was established for Frequently Asked Questions (FAQs) for partners and the public.

3.3 Staff Consultation

- 3.3.1 A 30-day staff consultation commenced on the 8th June 2018 and concluded on the 8th July 2018. All Early Help staff received formal written communication detailing the consultation events and was offered individual support as required through Human Resources (HR) and Early Help Managers and the Early Help Leadership Team. Trade unions were regularly updated through meetings with the Assistant Director and Heads of Service for Early Help and were present throughout each staff consultation meeting.
- 3.3.2 To ensure that staff had appropriate information during the consultation an additional three informal 'talk back' sessions were held with Early Help staff in April 2018. Eight formal staff consultation meetings were subsequently held in June 2018 to discuss the proposals in more detail to maximise contributions from the workforce. See Appendix A.
- 3.3.3 A bespoke email account EH-StaffConsult@rotherham.gov.uk was provided for questions, comments and suggestions from staff throughout the consultation.

3.4 Consultation Analytics

- 3.4.1 In total, 276 individuals or agencies participated in the Public and Partner consultation process through the following methods:

Partner /Public Activity	Numbers Participating
On-line consultation	164
Young People's consultation	47
Public events	65
Total	276
Existing Fora / Boards	4 meetings were attended by Early Help Senior Leadership Team members
Email	4 partner responses
Correspondence from MP's	1

3.5 Online Consultation(s)

- 3.5.1 There were 164 respondents to the online consultation. Of these; 42 were children and young people (25 years and under) and the remainder (122) were adults over 26. Of the 122 adults aged 26-plus, 113 were parents and carers of children and there were also five parents within the 25 and under age range.
- 3.5.2 As well as the main online consultation, an additional Youth Survey was carried out by members of the Rotherham Youth Cabinet. There were 47 young people that responded to the survey, aged between 9 years and 26 years.
- 3.5.3 Findings from the children and young people who responded to the Young People's Survey indicated that;
- 18 (38%) were aware of services offered.

- 29 (62%) were not aware of services provided.
- 11 (24%) said that they were accessing youth provision.
- 21 (44%) of young people said that they had never accessed any RMBC youth provision.

3.5.4 Some of the responses from young people included:

- *'More information [required] spread in colleges about the different activities that youth groups hold'*
- *'Outreach to young people in schools and newspapers about activities and opportunities that are available to them'*
- *'It's a fun and enjoyable place to be and you can make lots of friends; I would highly recommend'*
- *'It's really fun and has helped me with my social skills'*
- *'It's amazing'*
- *I would not like the Kiveton youth club to close down they help people that need help they keep them safe and every person that come to the Youthi (*Youth Centre) enjoys being there because you have so much to do and they make it fun for everybody they talk to u if you have a problem and sort it out for you.*

3.5.5 Findings from the adult/parent consultation (122 adults and 113 parents) who responded indicated that:

- 116 (95%) were Rotherham residents.
- 13 (10.6%) had a disability.
- 77 parents (63%) said that they would travel between one and ten miles to access provision for 0-5 years.
- 35 parents (31%) said that they would travel between one and ten miles to access provision for children plus five years.
- 27 (24%) of parents said that they would be willing and able to pay to access early help services, including group programmes such as parenting.
- 70 parents (62%) said that they would be willing to pay however said that this would be dependent on cost.
- Parents expressed that they valued the Children's Centre offer with regard to weaning and feeding advice, Health Visitor weigh-in, baby clinics, health advice, drop-in sessions and parenting programmes. Some parents expressed that they wanted these local services to continue.

3.5.6 Some of the responses from adults/parents included:

- *'I didn't realise I could access other centres in the borough'*
- *'The children's centres offer a great service to the children and young people in the local community removing the local ones to more central ones makes it a longer distance to travel and the families that attend are not from the local community but a wider one'.*

- *'I hope all staff are not affected by the proposals as they do a fantastic job and are a great service to the local community.'*
- *'I don't think it's vital that the council own the buildings but do think it's vital that these services remain easily accessible for parents and babies.'*
- *'Children's centres that can be utilised and reach by foot if required are invaluable to young mums. Moving the centres further out means it is hard to gain access. But also leave a new mum more exposed and unable to reach out for help if needed.'*
- *'A youth club 5 miles away is pointless; our Kiveton kids won't be able to get there. Crime will rise. The behaviours associated with bored kids will increase. It'll just cost money in a different way.'*
- *'Youth centres are a safe space for children to go to and make lasting friendships. Please don't close them all.'*
- *'They have helped me lots of times and supported me.'*

3.6 Summary of Key Themes Emerging from the Public & Partner Consultation

- 3.6.1 Comments from the public showed strong support for locally based centres and the need for low cost, or no cost activities. Some parents indicated that they would be prepared to pay for some activities, but many thought that a 'core' of activities should be free and available to all as the people who may want or need this the most may be those that have the least money to pay.
- 3.6.2 Some respondents suggested a trial of "a pay what you can" approach to activity (although this already happens on a small scale in some centres to assist with additional activities).
- 3.6.3 The public consultation and online questionnaire highlighted the need to provide greater clarity to the public and ward councillors on the differences between a Children Centre (physical building) and the broader delivery of an Early Help Children Centre 'Offer' and the delivery of services in the community.
- 3.6.4 Schools rated the Early Help Offer highly and emphasised the quality of the service that is provided and the strength of local working relationships.
- 3.6.5 The streamlined referral process was seen as having improved access to services and schools highlighted that they feel more confident in completing Early Help Assessments.
- 3.6.6 Schools spoke highly of the support that they receive from front line staff, Integrated Working Leads, Locality Managers and senior leads.

- 3.6.7 There was strong support from young people and youth workers for retaining a discrete 'Group Work Offer' for young people from vulnerable groups such as; "Chat and Chill" (young people with autism), lesbian, gay, bisexual and trans gender young people (LGBT), young people with learning difficulties and disabilities, young people with mild mental health issues and the formal governance mechanisms such as; the Youth Cabinet, Different but Equal Board, LAC Council and the Young Inspectors.

4.0 Service Delivery

- 4.1 The consultation proposed a number of changes to the Early Help staffing structure in order to deliver phases two and three of the Early Help Strategy.
- 4.2 Proposals included services to be delivered through 0-19 Family Hubs across North, South and Central areas in Rotherham, comprising of nine Early Help Locality Teams with staff co-located alongside RMBC services, Children's Social Care and health partners. This will provide delivery points for the Early Help's early years, youth and family support functions. This change will enable a fully integrated service, with revised job roles to meet need early in the development of a problem and to prevent escalation to higher cost statutory services.
- 4.3 The introduction of a borough wide Intervention Hub will provide a small resource to coordinate evidence based programmes, such as Parenting; Sleep Programmes and Domestic Abuse Programmes. The rationale behind this development is to build central coordination, stability and expand upon the current evidenced based programmes used by Early Help practitioners across the borough, to achieve better and more sustained outcomes for children, young people and families.
- 4.4 Greater integration of the Youth Offending Team was proposed, bringing interventions into localities so that young offenders are supported with a 'whole family' focus and are integrated more effectively into their communities enabling a wider multi-agency response from Education, Schools and other VCS organisations. This transition is in line with the recommendations of the Taylor Review of the Youth Justice System in England & Wales December 2016. The Early Help Assessment will be introduced into the YOT practice to underpin all prevention work within the service area. In addition, the integration of the 'front door' for YOT prevention children will be merged with the wider Early Help Triage Service and Children's Social Care's First Response to ensure that there is a coordinated identification and a family focus for those children at risk of offending behaviour.
- 4.5 The proposals included a rationalisation and reduction in the number of job descriptions to create a set of 'core 0-19 practitioner' roles, blending previously discrete job roles and job descriptions from distinct disciplines such as; Education Welfare, Youth Work, Family Support and Early Years etc. This approach will retain existing skills and experience and provide clarity of roles to reflect the transformation that has taken place over the past three years and for the future.

- 4.6 The proposals included a revision to the current distribution of resources across localities through a greater alignment with the prevalence of vulnerability and need across the borough. This was calculated by extensive analysis of thematic data captured since the launch of the Early Help offer in 2016. This means that the number of workers in a locality will match volume and need in that area across social care and Early Help. Interventions will be targeted appropriately, i.e. where domestic abuse has a high prevalence in a locality we will apply a weighting for relational approaches and perpetrator programmes to that area. This will allow the service to ensure that children and families get the right intervention at the right time whilst maintaining consistent approaches to practice across the borough.
- 4.7 The proposed move to merge the Early Help Triage Team was highlighted within the consultation to ensure greater alignment at the front door within the MASH. This proposal will also contribute to the work to redesign the social care pathway and ensure that where appropriate and safe, Early Help strategies are exhausted prior to entry into a statutory arena.
- 4.8 The recommendation to merge the Children Missing Education (CME) post (currently within Early Help) into Education is proposed to create greater alignment of the CME function with School Admissions and education.
- 4.9 The proposal to trade the current Early Help Counselling offer was based on the potential to income generate to ensure that emotional wellbeing of children becomes sustainable and affordable in the future.

5.0 Key themes emerging from the staff consultation

- 5.1 Staff were in the main supportive of the need for a 0-19 approach to delivery and were in full agreement regarding the implementation of a more consistent and equitable pay structure. Staff have been reassured that building skills across teams will be a priority, so that all will feel confident in relation to the wider remit of 0-19 delivery. The past three years has seen much progress in this area and with the new job descriptions the service will be in a better position to embed this approach across the workforce.

6.0 Service Delivery - Buildings Proposals

6.1 Children Centres

- 6.2 The consultation proposed the deregistration of the following children's centres:
- Park View (Central Locality)
 - Broom Valley (Central Locality)
 - Wath Victoria (North Locality)

This would bring the number of registered centres from 12 to 9, however despite deregistration, intervention and support will be retained for children and families in the localities that the named centres serve. Deregistration of a Children's Centre means that the building will no longer be used solely for children's centre services. Children's Centre activity will continue in the area but will be delivered from a range of other suitable venues.

6.3 The three centres proposed to de-register will continue to deliver early years services and early help will still retain access to the buildings to deliver sessions for up to 10 hours per week through a Service Level Agreement (SLA).

6.4 The DfE Sure Start Children's Centre Statutory Guidance (April 2013) states that;

"A children's centre should make available universal and targeted early childhood services either by providing the services at the centre itself or by providing advice and assistance to parents (mothers and fathers) and prospective parents in accessing services provided elsewhere."

6.5 The public consultation and online questionnaire highlighted the need to provide greater clarity to the public and ward councillors on the differences between a Children Centre (physical building) and the broader delivery of an Early Help Children Centre 'Offer' and the delivery of services in the community.

The statutory definition of a children's centre states that;

"Children's Centres are as much about making appropriate and integrated services available, as it is about providing premises in particular geographical areas."

6.6 **Park View (Central Locality) Recommendation – De-Register.**

The current proposal includes the recommendation to surrender the lease (Asset Transfer) to the school to use for early years services and implement a Service Level Agreement (SLA) for 10 hours Children's Centre intervention which will enable Early Help to use this as a 'linked site.' The community can be served effectively without a physical building as services are already delivered in community venues with excellent outcomes and performance, highlighting above Rotherham target figures for registration and engagement rates achieved at the end of Q4 (see table A.) Park View was previously considered for de-registration under the last restructure. The current manager and staff are predominately based at the Central Children's Centre. Park View consists of a small community room and office space in the school site.

Table A (Park View)

Children aged 0-4	Living in 30% most deprived areas	% Living in 30% most deprived areas Registered end of Q4	% Living in 30% most deprived areas engaged end of Q4
1,176	693 (59%)	100% (17/18)	83% (17/18)

6.7 Additional information and visits to the area were facilitated at the request of Ward Councillors to understand the proposals in greater depth.

6.8 Discussions have taken place with the Head Teacher of Redscope Primary School who is supportive of the proposals if approved by Cabinet. The school would utilise the space for additional 2 and 3 year old provision, community learning and breakfast club provision. If approved the school would support health and early help in accessing the building under a 10 hour SLA.

6.9 What will change?

6.9.1 The building will be de registered as it will no longer be used solely for children's centre activities.

6.9.2 A 10 hour SLA will be implemented with Redscope School so that Early Help and 0-19 Health colleagues can continue to deliver services from the site as required, with increased use of the space by the school for wider early year's provision, breakfast club and community learning activities.

6.9.3 All families and children can visit any children's centre or a venue close to their home and in the community to access the Borough wide offer.

6.9.4 The offer of services will still be available (as outlined in Appendix E - Children Centre Offer) in this area and will be delivered from community venues such as Chislett. This will be a combination of targeted and universal provision based on local need.

6.9.5 The 0 -19 Outreach and Engagement staff will continue to deliver the core offer from the remaining registered Centres (some of which will become 0-19 Family Hubs) and in community spaces in this area to provide a Borough wide universal offer and a localised targeted offer.

6.10 Broom Valley (Central Locality) Recommendation – De-Register

The current proposal requires additional consultation with Broom Valley School Governing Body in September 2018 which will enable continued provision in the locality and result in either the school or alternatively, a PVI sector organisation to make use of the building for early years provision.

- 6.11 Broom Valley Centre is located in a 'difficult to find' location, is on a steep hill and on a private road. The centre has been delivering limited activities from the building since April 2017 due to interim management arrangements, with the reach area split between Park View/Central and Coleridge. Throughout this period and the subsequent consultation there have been no concerns raised about the proposed delivery of the offer by parents, Advisory Board members or partners.

Table B (Broom Valley)

Children aged 0-4	Living in 30% most deprived areas	% Living in 30% most deprived areas Registered end of Q4 (17/18)	% Living in 30% most deprived areas engaged end of Q4 (17/18)
1,527	879 (57%)	76%	51%

6.12 What will change?

- 6.12.1 The building will be de registered as it will no longer be used solely for children's centre activities.
- 6.12.2 A 10 hour SLA will be implemented with the approved 'tenant' so that Early Help and 0-19 Health colleagues can continue to deliver services from the site as required; with increased use of the space by the school for wider early years provision, breakfast club and community learning etc.
- 6.12.3 All families and children can visit any children's centre or a venue close to their home and in the community to access the Borough wide offer.
- 6.12.4 The offer of services will still be available (as outlined in Appendix E) in this area and will be delivered from community venues such as Clifton Park and the school community space. This will be a combination of targeted and universal provision based on local need.
- 6.12.5 The 0-19 Outreach and Engagement staff will continue to deliver the core offer from the remaining registered Centres (some of which will become 0-19 Family Hubs) and in community spaces in this area to provide a Borough wide universal offer and a localised targeted offer.

6.13 Wath Victoria (North Locality) Recommendation – De Register

The current proposal includes the recommendation to surrender the lease (Asset Transfer) to the school to use for early years services and implement a Service Level Agreement (SLA) for 10 hours Children's Centre use as a 'linked site.' Wath Victoria was previously proposed for deregistration in 2015 due to its low number of families living in deprived areas.

- 6.14 The Wath Victoria Centre already delivers most activities in the community and this will continue as part of current proposals. Performance in Q4 was good with the Rotherham wide target being met for engagement rates and just under at 90% against a 95% target for registration rates.

Table C (Wath Victoria)

Children aged 0-4	Living in 30% most deprived areas	% Living in 30% most deprived areas Registered end of Q4 (17/18)	% Living in 30% most deprived areas engaged end of Q4 (17/18)
1,375	364 (26.4%)	90%	65%

6.15 Preliminary discussions have taken place with the Head Teacher who is supportive of the proposals if approved by cabinet. The school would utilise the space for additional 2 and 3 year old provision and support health and Early Help in accessing the building under a 10 hour SLA.

6.16 What will change?

6.16.1 The building will be de registered as it will no longer be used solely for children's centre activities.

6.16.2 A 10 hour SLA will be implemented with Wath Victoria Primary School so that Early Help and 0-19 Health colleagues can continue to deliver services from the site as required, with increased use of the space by the school for wider early year's provision.

6.16.3 All families and children can visit any children's centre or a venue close to their home and in the community to access the Borough wide offer.

6.16.4 The offer of services will still be available (as outlined in Appendix E) in this area and will be delivered from community venues such as Montgomery Hall. This will be a combination of targeted and universal provision based on local need.

6.16.5 The 0 -19 Outreach and Engagement staff will continue to deliver the core offer from the remaining registered Centres (some of which will become 0-19 Family Hubs) and in community spaces in this area to provide a Borough wide universal offer and a localised targeted offer.

6.17 Youth Centres

The consultation proposed a reduction in the number of Youth Centres/Early Help Team bases from eleven to six. The proposed Youth Centres and staff team bases consulted upon were;

- Herringthorpe (Central Locality)
- Treeton (South Locality)
- Kiveton (South Locality)
- Maltby Linx (South Locality)
- Swinton (North Locality)

6.18 The Statutory Guidance, Section 507B of the Education and Inspections Act 2006. States that;

It is therefore local authorities' duty to secure, so far as is reasonably practicable, equality of access for all young people to the positive, preventative and early help they need to improve their well-being. This includes youth work and other services and activities that:

- a. Connect young people with their communities.
- b. Offer young people opportunities in safe environments.
- c. Support the personal and social development of young people.
- d. Improve young people's physical and mental health and emotional well-being.
- e. Help those young people at risk of dropping out of learning or not achieving their full potential to engage and attain in education or training.
- f. Raise young people's aspirations, build their resilience, and help them to make informed decisions.

6.19 The majority of young people surveyed who used youth provision rated the youth activities that they accessed as 'good or excellent.' Young people who responded to the consultation accessed a wide range of provision including; the Rotherham Youth Cabinet, mental health support, music activities, youth club sessions in the evenings, support sessions i.e. 'Chat 'n' Chill', sexual health services, as well as general information, advice and help.

6.20 In some instances there was a perception from the public that closing a youth centre meant that the services were also ceasing – this is not the case. The Early Help Service would continue to provide a 0-19 outreach and engagement offer. This will incorporate a targeted and detached 'youth offer' in localities based on demand and need.

6.21 A 'Youth Summit' was held with partners and young people on the 15th of August to develop, for the first time, a fully integrated youth offer for Rotherham young people. The Summit identified key priorities and opportunities for funding applications or joint approaches to delivering a coherent youth offer for Rotherham.

6.22 Kiveton (South Locality) Proposal – Staff to decant and relocate.

The Early Help Service proposes to utilise space in both Dinnington School and Kiveton Library to enable a split site presence for staff bases and intervention in the locality. The Youth Offer will be delivered via community venues and detached activity. The Kiveton Youth Centre is subject to a further Corporate Property review.

6.23 Numbers attending youth work sessions at Kiveton has declined by 52% over the last two years (329 in 2016/17 and 158 in 2017/18). The majority of youth work currently undertaken by Early Help in Kiveton is not centre based (detached); or aimed at vulnerable young people, and this focus will continue in the future at proposed alternative sites.

6.24 Current users of Kiveton Youth Centre include young people utilising 0-19 health, Red Road Community Radio Project, JADE youth club and an Adult Social Care social group would be affected by the closure of Kiveton. The Corporate Property review will work with these teams in order to make decisions on future use.

6.25 What will change?

6.25.1 The Early Help staff will transfer to another suitable building in the area. Options are being considered with Property Services including Dinnington School and Kiveton Library.

6.25.2 Families accessing family support in the area will be unaffected.

6.25.3 The 0 -19 Outreach and Engagement staff will continue to deliver targeted and detached 'youth activities' in the community spaces in this area and through detached street based work.

6.25.4 Where possible, RMBC will support other groups currently using Kiveton to seek alternative community delivery sites.

6.26 Maltby Linx Proposal – Staff to decant and relocate.

There are two coterminous RMBC buildings in Maltby; the Linx, Maltby Service Centre and the Children's Centre which is currently under-occupied. The Early Help team propose to relocate to Maltby Children's Centre and following this, the Linx Centre will be transferred to Maltby Academy with a negotiated SLA which secures access to the building for Early Help targeted youth work and the Linx Pre-School provision.

6.27 Maltby Linx provides primarily targeted youth provision two nights per week and two sessions of detached youth work. Attendance at centre based sessions has declined by 64% (384 young people in 2016/17 to 187 2017/18) due to the increasingly targeted nature of youth work. Non-centre based detached work in Maltby provides a third of all current youth activity, and this will be developed further in the future.

6.28 A weekly targeted group for young people with Autism (Chat'n'Chill) is currently delivered jointly by Early Help and the Behaviour Support Service in the Linx Centre. Young people attending this group identify strongly with the building and children, parents and carers, are anxious about the prospect of it changing.

6.29 A discrete area of the building with a separate entrance is rented to Maltby Linx Pre-School. Trustees of the Pre-School charity expressed concerns during the consultation about the future delivery of a local two to five-year-old offer if they are unable to secure a rental arrangement with Maltby Academy. The Assistant Director for Early Help has met with the Executive Head of the Maltby Academy with officers from the Corporate Property Unit and the staff from the pre-school to offer reassurances that the intention is to develop an integrated hub on the campus.

6.30 **What will change?**

6.30.1 The Building will be transferred to Maltby Academy

6.30.2 A negotiated Service Level Agreement which secures access to the building for Early Help targeted youth work (including Chat 'n' Chill) and the Linx Pre-School provision will be implemented.

6.30.3 The Early Help Staff Team will be relocated to Maltby Stepping Stones Children's Centre creating a 0-19 Family Hub.

6.30.4 Families accessing family support in the area will be unaffected.

6.30.5 The 0 -19 Outreach and Engagement staff will continue to deliver targeted and detached 'youth activities' from Maltby Linx under the terms of the SLA, in other community spaces in this area and through detached street based work.

6.31 **Treeton Proposal – Staff to decant and relocate.**

The proposal is that the Early Help Team will relocate from Treeton to site bases at Catcliffe School and Aston Service Centre. The youth offer is proposed to be provided through Catcliffe and in other appropriate community venues and detached work.

6.32 The youth work undertaken in Treeton is targeted group work or street-based. This is not proposed to change and will continue in the future.

6.33 The Enterprise Units at Treeton are still partially occupied, but tenants will make alternative arrangements once the Early Help Team has moved to Catcliffe. This is linked to a current review by Corporate Property Services. Early Help is in discussion with Treeton Parish Council regarding decommissioning the Multi-Use Games Area and moving relevant equipment to an alternative site. Once the site is fully vacated, it will be made secure by the Corporate Property Services.

6.34 Discussions are underway with Brinsworth Community Library to secure space for the delivery of group work.

6.35 What will change?

- 6.35.1 The Early Help Staff Team will transfer to Catcliffe School and Aston Service Centre, ensuring the team are co-located with Social Care. Catcliffe School will become a 0-19 Family Hub.
- 6.35.2 Families accessing family support in the area will be unaffected.
- 6.35.3 The 0 -19 Outreach and Engagement staff will continue to deliver targeted and detached 'youth activities' in the community spaces in this area and through detached street based work.

6.36 Herringthorpe (Central Locality) Proposal – Staff to decant and relocate

Herringthorpe has the lowest footfall across the youth centres in the central patch and attendance has reduced by 42% (74 attendees in 2016/17 and 43 2017/18). The centre provides targeted group work and hosts a small music studio. The small numbers of staff that are based in the centre have limited office space, and internet access is poor.

- 6.37 The staff team are proposed to relocate to the 0-19 Family Hub at the Place. The youth offer will continue to be provided through venues in the local community. The building may be used by the Pupil Referral Unit (PRU) in the future and there is potential for the music equipment to remain in this building and the project to continue there, however staff are not proposed to continue to be based at Herringthorpe.
- 6.38 The targeted youth offer, including project and detached activity will continue to be delivered at local venues in partnership with voluntary and community sector in the area (Clifton Learning Partnership, Barnardo's and Rotherham United Football Community Trust).

6.39 What will change?

- 6.39.1 The Early Help Staff Team will decant from Herringthorpe Youth Centre.
- 6.39.2 The music project and the Pupil Referral Unit (PRU) may continue to use the space.
- 6.39.3 The Early Help Team base will transfer to The Place; ensuring the team are co-located with Social Care and the Place will become a 0-19 Family Hub.
- 6.39.4 Families accessing family support in the area will be unaffected.
- 6.39.5 The 0 -19 Outreach and Engagement staff will continue to deliver targeted and detached 'youth activities' in the community spaces in this area and through detached street based work.

6.40 **Swinton Youth Centre (North Locality) Staff to decant and Relocate** from Swinton Youth Centre (which is located on the school site) to Swinton Brookfield Children's Centre and work within a service level agreement with the school to ensure that Early Help can continue to deliver targeted youth provision.

6.41 Centre attendance has declined by 48% (246 in 2017/18 in comparison to 466 in 2016/17) with an increased focus on targeted group work. Young people are keen to continue using Swinton Youth Centre and signed a petition to support ongoing provision at this site. This activity will continue despite staff relocating as a Service Level Agreement has been agreed for Early Help to continue use of the school for youth activities.

6.42 **What will change?**

6.42.1 The Building will be transferred to Swinton Academy

6.42.2 A negotiated Service Level Agreement, which secures access to the building for Early Help targeted youth work will be implemented.

6.42.3 The Early Help Staff Team will be relocated to Swinton Brookfield Children's Centre creating a 0-19 Family Hub.

6.42.4 Families accessing family support in the area will be unaffected.

6.42.5 The 0 -19 Outreach and Engagement staff will continue to deliver targeted and detached 'youth activities' from Swinton Youth Centre under the terms of the SLA, in other community spaces in this area (including potentially Swinton Library) and through detached street based work.

6.43 Appendix B provides further detail on all buildings proposals.

7. **Summary of recommended proposals**

7.1 Cabinet agree to the implementation of Phases Two and Three of the Early Help Strategy incorporating;

- The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer).
- The introduction of a borough wide Intervention Hub which will expand upon the current evidenced based programmes used by Early Help practitioners across the borough.
- An expansion of the Family Group Conferencing (FGC) provision to ensure that children and families receive high quality, cost effective interventions.
- A reduction in the number of Heads of Service posts from four to three.
- The creation of Early Help Service Manager Posts.

- Greater integration of the Youth Offending Team (YOT), bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care.

7.2 Continue to deliver a targeted youth offer for young people in localities and relocate staff, surrendering leases at;

- Herringthorpe (Central Locality)
- Treeton (South Locality)
- Kiveton (South Locality)
- Maltby Linx (South Locality)
- Swinton (North Locality)

7.3 Deregister the three Children's Centres whilst ensuring the Children Centre offer is provided to families within the designated locality.

- Park View
- Broom Valley
- Wath Victoria

8. Consultation

8.1 Consultation on the proposed Implementation of Phase Two and Three was undertaken in line with the Vision and Objectives set out in the Early Help Strategy 2016-2019 (See Section 3 of this report), the Co-produced Guiding Principles (Appendix D), the Cabinet Report; The Early Help Strategy, Phase Two, Whole Service Review: 10th July 2017 and the Cabinet Report: 'Proposals for consultation on the implementation of the Early Help Strategy: Phase Two & Phase Three 12th March 2018.

8.2 The 90 day consultation began on the 9th April and concluded on the 8th July. The consultation included meetings with all staff as well as formal communication via letter and the offer of individual support through Human Resources (HR) and Early Help managers. The consultation involved the Trade Unions and was delivered through a combination of public meetings, online surveys and use of existing fora, such as the Children Centre Advisory Panel and the Children, Young People and Families Consortium. The consultation sought the views of; parents, young people, Members, partners, stakeholder, professionals and members of the community through a series of events and workshops across the borough. A dedicated Twitter account [#earlyhelpconsultation2018](#) and an email account earlyhelp.consultation@rotherham.gov.uk were established, along with a Frequently Asked Questions (FAQs) platform to support staff throughout the process.

9. Timetable and Accountability for Implementing this Decision

- 9.1 The table below sets out a high level timeline for the proposed final structure to be implemented by February 2019. Trade Unions have been updated monthly as a Standing Item at the Children and Young People Services Trade Union Meeting.

1.	Cabinet Report: Early Help Strategy: Phase Two & Phase Three implementation.	October 2018
2.	New structure implementation (October 2018 to February 2019)	Completion - February 2019

10. Financial and Procurement Implications

- 10.1 The Early Help service achieved savings of £501k in 2016/17 and £421k in 2017/18.
- 10.2 The Budget and Council Tax 2018-19 report approved by Cabinet on 19th February 2018 and approved by Council on 28th February included further savings from the implementation of the Early Help Strategy.
- 10.3 The full year savings to be achieved in 2019/20 from the Early Help strategy phases 2 & 3 are £498k. This covers the £380k further saving (£205k 18/19, £175k 19/20) from restructuring of the service and £118k towards previously approved savings from a corporate review of land and property, linked to service reviews and localities.
- 10.4 As the service is currently operating with a number of vacancies it is not envisaged that any redundancy costs will be incurred.
- 10.5 The de-registering of the three children's centres will not generate a capital funding clawback from the Department for Education as the sites will continue to deliver early years and 0-5 services.
- 10.6 Any delays to the timetable set out in this report would have a further impact on the timescale of delivery of the savings proposed.

11. Procurement Implications

- 11.1 There are no immediate procurement implications from the recommendations in this report. Through the implementation of the recommendations, where there is a requirement for commissioned services, early engagement with the Procurement team is required to effectively plan and procure this activity.

12. Legal Implications

- 12.1 By undertaking the consultation process described above, the Council has complied with its statutory duties detailed below.

- 12.2 It is imperative that in considering the proposals set out in this report regard is given to the need to comply with the Council's statutory duties in this area. In particular this includes the duties under the Education Act 1996, around securing sufficient educational leisure time activities and facilities for the improvement of the well-being of young persons, and the duties under Childcare Act 2006 to ensure there are sufficient Children's Centres, so far as reasonably practicable, to meet local need.
- 12.3 There is a specific statutory duty placed on local authorities under section 5D of the Childcare Act 2006, to ensure there is consultation before any significant changes are made to children's centre provision in their area. Statutory guidance makes it clear that this would include:
- Making a significant change to the range and nature of services provided through a children's centre and/or how they are delivered, including significant changes to services provided through linked sites; and
 - Closing a children's centre; or reducing the services provided to such an extent that it no longer meets the statutory definition of a children's centre.
- 12.4 In addition, as a matter of public law, any proposal to close a facility or significantly change a service will require a reasonable period of engagement and consultation with those affected by such a proposal.
- 12.5 Therefore, a robust consultation exercise on the proposals for the Early Help services is required with staff, service users and other stakeholders. The purpose of the consultation is to gather the views and preferences of those consulted on the proposals and suggested implementation, and to understand whether there are any possible unintended consequences of the proposals. The product of the consultation will then help to inform final proposals. This is properly identified and catered for in the proposed consultation exercise set out in paragraph 5.1 above.
- 12.6 In addition to the legal requirements for robust consultation, the Council must ensure it complies with its duties under the Equality Act 2010. Under Section 1 of that Act the Council must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. In addition under Section 149 of the Equality Act, the Council must comply with the public sector equality duty which requires it to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.7 In dealing with this duty, the Council must have due regard in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic.
- Take steps to meet the needs of people who share a relevant protected characteristic that are different to the needs of persons who do not share it.
- Encourage persons who share a relevant characteristic to participate in public life or any other activities where their participation is disproportionately low.

12.8 Protected characteristics include disability, age, race, sex, religion or belief, gender reassignment, marriage and civil partnership, pregnancy/maternity and sexual orientation.

13. Human Resources (HR) Implications

13.1 From a HR perspective the consultation process has been highly inclusive and enabled staff to contribute in a variety of ways in order to influence the final proposals.

13.2 All recruitment into posts will follow the relevant RMBC policies and procedures in a fair and consistent manner.

13.3 Early Release may need to be considered once the recruitment process is complete should staff not be successful in securing a post either within the Early Help Review or within the talent pool.

14. Implications for Children and Young People and Vulnerable Adults

14.1 The implications for children and young people and vulnerable adults are captured in the Equality Impact Analysis (Appendix D).

14.2 Whilst the recommendations propose relocation of staff; the youth and Children Centre offer (Places to go and things to do) will be delivered from either the same sites (via SLA) or in a different site in the locality and provision will be maintained for children and families in the localities.

14.3 The Early Help Service directly contributes to a number of the Council's key strategies and objectives:

14.4 The Rotherham Plan. A New Perspective 2025;

“Contributing to this is a refreshed Early Help programme, which involves partners working together to ensure children, young people and families have their needs identified early so that they can receive swift access to targeted help and support.”

14.5 A Child Friendly Borough;

Six principles that will enable children to thrive:

- A focus on the rights and voice of the child
- keeping children safe and healthy
- Ensuring children reach their potential
- An inclusive borough
- Harnessing the resources of communities
- A sense of place.

14.6 The Children and Young People's Plan, 2016-2019;

The three main strategic outcomes to be achieved for children, young people and their families in Rotherham are:

- Children and young people are healthy and safe from harm
- Children and young people start school ready to learn for life
- Children, young people and their families are ready for the world of work

15. Equalities and Human Rights Implications

- 15.1 Decision makers are directed to Rotherham Metropolitan Borough Council's duty to promote equality and diversity in all the work it does and services it delivers. An Equality Analysis, (Appendix C) has been undertaken and revised post consultation, to inform and support the final recommendations.

16. Implications for Partners and Other Directorates

- 16.1 Key partners, stakeholders, service users and staff have been engaged in the development of the Rotherham Early Help Offer since October 2015 and were engaged throughout the 90 day consultation process.

17. Risks and Mitigation

- 17.1 The Council will need to consider emerging risks, but these are likely to be specific to individuals and their employment status, with the potential for staff to leave the authority as a result of uncertainty or anxiety related to the proposals. The overriding risks are not following statutory processes, the potential negative impact on performance and quality during the review period and implementation stage and reputational damage as a result of a reduction in buildings and services across the borough. Officers will work closely with HR and the communications team to mitigate any risks normally associated with a Whole Service Review and restructure through Legal, Financial and HR compliance.

18. Accountable Officers

Jon Stonehouse Strategic Director of Children and Young People's Services,
David McWilliams, Assistant Director of Early Help & Family Engagement

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Neil Hardwick	04/10/2018
Assistant Director of Legal Services	Ian Gledhill	10/08/2018
Head of Procurement (if appropriate)	Karen Middlebrook	14/08/2018
Head of Human Resources (if appropriate)	Amy Leech	20/08/2018

Report Author: David McWilliams, Assistant Director of Early Help & Family Engagement

This report is published on the Council's website or can be found at:-
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

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Appendix A: Public, Partner and Staff Consultation Process

1. Introduction

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1.1. Background

- 1.1.1. The purpose of the 90 day consultation period (60 day public and 30 day Staff) was to seek the views of; parents, young people, Members, partners, stakeholders, professionals and members of the community on the proposed implementation of Phase Two of the Early Help Strategy 2016-2019. The consultation, which commenced on April 9th, was conducted in line with the Vision and Objectives set out in the Early Help Strategy 2016-2019, the Co-produced Guiding Principles and the Cabinet Report; Early Help Strategy, Phase Two, Whole Service Review: 10th July 2017.

1.2. Public and Partner Consultation

- 1.2.1. The initial 60 day public consultation was delivered through 17 public and partner events across the borough including bespoke sessions in the centres and buildings in scope and presentations at strategic fora. Details of meetings are outlined in this appendix. All schools were informed by email of the events and were offered the opportunity to attend an event or engage in the online consultation.
- 1.2.2. Concurrent to the face to face sessions, an online survey was made available on the Rotherham Council Website for public and partners, and a separate 'youth' consultation was conducted, led by the Rotherham Youth Cabinet.
- 1.2.3. A dedicated Twitter account #earlyhelpconsultation2018 and an email account earlyhelpconsultation@rotherham.gov.uk was established for Frequently Asked Questions (FAQs) for partners and the public.

1.3. Staff Consultation

- 1.3.1. A 30-day staff consultation commenced on the 8th June. All Early Help staff received formal communication via letter of consultation events and were offered individual support on request through Human Resources (HR) and Early Help managers. Trade Unions were regularly updated through meetings with the Senior Director for Early Help and attended all staff consultation meetings.
- 1.3.2. Three informal talk back sessions were held with Early Help staff in April in tandem with the public consultation. Eight formal staff consultation meetings were then held in June to discuss the implementation proposals in more detail.
- 1.3.3. A separate email account EH-StaffConsult@rotherham.gov.uk was provided for questions, comments and suggestions from staff.

2. Public and Partner Consultation

- 2.1. In total 276 individuals or agencies participated in the Public and Partner consultation process through the following methods:

Partner /Public Activity	Numbers Participating
On-line consultation	164
Youth consultation	47
Public events	65
Existing Fora	4 meetings attended
Email	4 partner responses
Correspondence from Sarah Champion MP	1

2.1.1. 103 staff engaged in talkback sessions and 233 attended formal staff consultation meetings. 133 questions were submitted by staff in relation to the proposals.

2.1.2. Summary of key themes arising from the Public and Partner Consultation

What's Working Well?

Earlier identification of students with needs – getting in before it becomes a problem and broadened focus to support the child and their family is positive.

Schools reported that joint working with Early Help has strengthened relationships and that, regular meetings with Early Help attending is vital to discuss and move cases forward.

The 0-19 approach and embedding the signs of safety model provides common tools and methods.

Early Help has improved communication between agencies and inter-agency working (All agencies agreed)

Closer integration between CAMHS and Early Help has been developed.

Sufficient trained staff to work with students to provide early help around emerging mental health issues below CAMHS threshold to prevent escalation of needs. Consultancy support from experts for schools, i.e. CAMHS would be helpful.

What are we worried about?

If counselling services become traded children may not be able to access this service, would benefit from Early Help locality based delivery.

Schools were uncertain around future roles of staff, e.g. Education Welfare and how attendance issues would be addressed moving forward.

Overwhelmed Service - need to ensure that there is enough staff in Early Help to meet demand and consistency and effectiveness of support provided the service.

Many students go to youth club, and school can communicate with youth centre staff about any concerns they have for young people.

The proposed changes at Maltby Linx Youth centre is of great concern to the future of Linx Preschool.

- *“RMBC needs to support the pre-school to negotiate a suitable arrangement moving forward in the lease is passed on to Maltby Academy needs to be during this proposal.*

Kiveton is not fit for purpose, but no other local venue for groups and many group use the building.

2.2. Online Public Consultation

- 2.2.1. There were 164 respondents to the online consultation. Of these; 42 were children and young people (25 years and under) and the remainder (122) were adults over 26. Of the 122 adults aged 26-plus, 113 were parents and carers of children and there were also five parents within the 25 and under age range.

As well as the main online consultation, an additional Youth Survey was carried out by members of the Rotherham Youth Cabinet. There were 47 young people that responded to the survey, aged between 9 years and 26 years. (Seven young people responded despite the targeted age range being children and young people up to the age of 25.)

2.2.2. Breakdown of online survey respondents:

78.05% (128 people) were female, 21.12% (33 people) were male, one no response and two 'prefer not to say'

68.90% (113 people) are parents/carers of children and young people.

93.90% (154 people) of respondents were Rotherham residents.

10.6% (13) had a disability.

2.2.3. Online Consultation results

Findings from the adults/parents (122 adults/113 parents) who responded indicated that:

- **116 (95%)** were Rotherham residents.
- **13 (10.6%)** had a disability.
- **77 parents (63%)** said that they would travel between one and ten miles to access provision for 0-5 years.
- **35 parents (31%)** said that they would travel between one and ten miles to access provision for children plus five years.
- **27 (24%)** of parents said that they would be willing and able to pay to access early help services, including group programmes such as parenting.
- **70 parents (62%)** said that they would be willing to pay however said that this would be dependent on cost.

2.2.4. Summary of Key Themes arising from the Online Public Consultation

What's Working Well?

- Parents expressed that they valued the Children's Centre offer with regard to weaning and feeding advice, Health Visitor weigh-in, baby clinics, health advice, drop-in sessions and parenting programmes. Some parents expressed that they wanted these local services to continue.
- Schools rated the Early Help offer highly in terms of the quality of the service provided and the strength of local relationships.
- The streamlined referral process has improved access to services and schools feel more confident in completing assessments. Schools spoke highly of the support from Integrated Working Leads and Locality Managers.
- There was strong support, moving forward, from young people and youth workers for retaining a discrete group work offer for young people from vulnerable groups; "Chat and Chill" young people with autism, lesbian, gay, bisexual and trans young people, young people with learning difficulties and disabilities, young people with mild mental health issues, Youth Cabinet.

2.2.5. Summary of Key themes arising from Public feedback about Children's Centres

What's Working Well?

- Staff are professional friendly and knowledgeable and are able to help with all child and family-related issues.
- Children's Centres allow collaborative working with the health visiting team, joining up services for parents under one roof.
- Brilliant resources and play sessions, which are cheap to access allowing every child the opportunity to socialise.
- Excellent services and support are available in relation to weaning and feeding advice; Health Visitor weigh in, Baby clinic / health advice drop in and parenting
- Local services- no need to travel
- Some parents indicated that they would pay for some activities, but many thought that core of activities should be free and available to all as the people who may want /need this most may have least money to pay. Some suggested trial of "a pay what you can" approach to activity.
- Families also identified the need for more support with regard to:
 - Benefit and Debt
 - Domestic Abuse
 - Adult Learning
 - Work and Employment

- Online resources or telephone help for those with no local centre

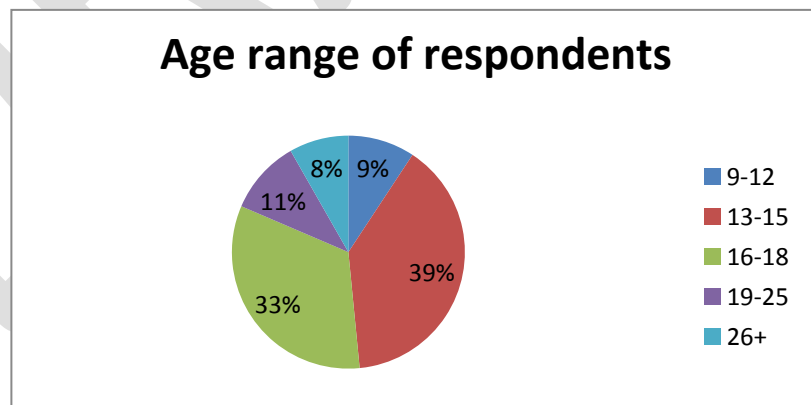
2.2.6. Comments from the Public about Children's Centres

What are we worried about?

- *"I don't think it's vital that the council own the buildings but do think it's vital that these services remain easily accessible for parents and babies."*
- *"Children's centres that can be utilised and reach by foot if required are invaluable to young mums. Moving the centres further out means it is hard to gain access. But also leave a new mum more exposed and unable to reach out for help if needed."*
- *"If things like developmental milestones for children, parenting classes, advice on toilet training, feeding, sleeping etc. health and nutrition advice for parents and children, peer support for parents are just left to chance and outreach work, - with reduced funding this would nowhere near serve the number of families."*
- *"Issues and problems wouldn't be highlighted and solved early enough. Leaving some of these things until the two-year Assessment is too late. There are smarter ways of working which doesn't involve closing these pivotal services."*

2.3 Online Youth Survey

- 47 young people responded to the online survey. The age range of participants are as follows:



- When asked "what services are you aware about" 18 out of 47 (38%) were aware of some of the services offered. 29 out of 47 (62%) said don't know / not many / none.
- 11 young people (24%) were accessing youth provision
- 21 young people (44%) had never accessed any provision

2.3.1 Summary of Key Themes arising from the Online Youth Survey

What's working well?

- Young people who responded accessed a range of services including Youth Cabinet, mental health support, music, youth club / social (i.e. Chat 'n' Chill), sexual health services, information / advice / help.
- The majority of Young people surveyed who used youth provision rated the youth activities they accessed as good or excellent.
- Young people who go to the Linx for Chat n Chill identify strongly with the building and the youth project.

What are we worried about?

- Young people who used centres were keen to retain some open access e.g.
 - *"I would not like the Kiveton youth club to close down they help people that need help, they keep them safe, and every people every person that come to the youth enjoys being there because you have so much to do and they make it fun for everybody they talk to you if you have a problem and sort it out for you"*
 - *"Youth clubs as provide a safe place to be and provide an opportunity to learn."*
- The young people from Chat and Chill, and their parents and carers are anxious about the prospect of access to Maltby Linx changing as any kind of change may create tremendous anxiety for people with autism.

2.4 Staff Consultation

2.4.1 Summary of Key themes arising from Staff Consultation

What's working well?

- Staff are supportive of the need for a 0-19 approach to delivery and are in full agreement regarding implementing an equitable pay structure.
- The range of roles within current teams provided opportunities for staff members to share skills and increase their competency in working across the age range.
- Training opportunities, e.g. Restorative Practice, Signs of Safety and parenting programmes are providing a baseline for a consistent family centred approach.
- The streamlined approach to referrals, step downs and co-working has improved the interface with children's Social Care.

- Job descriptions in the new structure were clearly differentiated, and Senior Practitioner posts provided opportunities for career progression and additional support for Locality Managers in terms of supervision and case management.
- The role of Early Help Lead Practitioners is critical moving forward as this has supported more effective working arrangements and increased the number of assessments, generated by partners and particularly schools.

What are we worried about?

- The proposed management structure appeared top heavy in terms of management

"I think that we should have one HOS for locality work to provide consistency. A Service manager PO16 could be created as the HOS deputy (or 2; one for Central, one for North and South and the HOS Transformation and the HOS EH Locality both manage a PO16. This would be good experience for staff who want to progress to HOS role in the future. To create the PO16 posts, you could reduce the number of EH locality teams by 2."

- Youth Workers identified the need to ensure that young people had access to activities and support as individuals in their own right and that detached work was vital to provide diversion of neighbourhood nuisance.

"Youth work" is not the same as outreach work - dilution of a graduate trained role."

- A number of issues were raised around grades and progression routes.

"Band F and Band G Family Support Workers job descriptions need reviewing as they are insufficiently differentiated in terms of duties and case-loads."

"Why are Band H posts included in some of the structure (Youth Offending) but not within the localities as this creates a lack of parity and limits progression."

- Concerns were also raised that specialisms being lost may restrict support to specific groups: young people not in education or training, those with learning disabilities, or Lesbian, Gay, Bisexual and Transgender young people (LGBT)
- Work bases need to be fit for purpose and in the right place (Kiveton) allocations of staff needs to reflect locality needs.

3. Conclusion

3.1 The range of views, comments and suggestions have informed the final proposals for Cabinet in October 2018.

Early Help Strategy Phase Two & Three Implementation Consultation Dates 2018:

Public Consultation Sessions:			
Date	Time	Venue	No Attendees:
Monday 16 th April 2018	9:30 – 11:00	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	1
Tuesday 24 th April 2018	5:00 – 6:30	Maltby Customer Service Centre, Braithwell Road, Maltby, Rotherham, S66 8JE	2
Monday 30 th April 2018	12:30 – 2:00	My Place, St Ann's Road, Rotherham, S65 1PH	
Wednesday 9 th May 2018	4:00 – 5:30	Swinton Civic Hall, Station Street, Swinton, Mexborough, S64 8PZ	4
Monday 14 th May 2018 <i>* Additional Session</i>	6:00 – 7:00	Maltby Linx Youth & Community Centre, Lilly Hall Road, Maltby, Rotherham, S66 8BE	16
Thursday 24 th May 2018 <i>* Additional Session</i>	5:30 – 6:30	Kiveton Park Youth Centre, Station Road, Kiveton Park, Sheffield, S26 6QQ	8

Partner/Stakeholder Consultation Sessions:			
Date	Time	Venue	No. Attendees:
Monday 14 th May 2018	9:30 – 11:00	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	8
Tuesday 15 th May 2018	3:30 – 5:00	Rotherham Town Hall, The Crofts, Moorgate Street, S60 2TH	4
Wednesday 23 rd May 2018	4:00 – 5:30	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	2

Staff Consultation Sessions:			
Date	Time	Venue	No. Attendees:
Friday 8 th June 2018	9:30 – 10:30	Rotherham Town Hall, The Crofts, Moorgate Street, S60 2TH	50
Friday 8 th June 2018	11:30 – 12:30	Rotherham Town Hall, The Crofts, Moorgate Street, S60 2TH	29
Friday 8 th June 2018	1:30 – 2:30	Rotherham Town Hall, The Crofts, Moorgate Street, S60 2TH	39
Tuesday 12 th June 2018	5:00 – 6:30	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	27
Thursday 14 th June 2018	2:00 – 3:30	Swinton Civic Hall, Station Street, Swinton, Mexborough, S64 8PZ	23
Tuesday 19 th June 2018	2:30 – 4:00	Rotherham Town Hall, The Crofts, Moorgate Street, S60 2TH	25
Tuesday 19 th June 2018 * Additional Session	5:00 – 6:00	Riverside House, Main Street, Rotherham, S60 1AE	14
Wednesday 20 th June 2018	9:30 – 11:00	Aston Parish Hall, Rosegarth Avenue, Aston, Sheffield, S26 2DD	26

Staff Talk Back Sessions:			
Date	Time	Venue	No. Attendees:
Wednesday 18 th April 2018	10:00 – 12:00	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	56
Wednesday 18 th April 2018	1:00 – 3:00	Rockingham Professional Development Centre, Roughwood Road, Wingfield, Rotherham, S61 4HY	30
Thursday 19 th April 2018	1:00 – 3:00	My Place, St Ann's Road, Rotherham, S65 1PH	17

Date	Time	Venue
Tuesday 17 th April 2018	12:00 – 1:00	CYPS Trade Union Meeting
Wednesday 18 th April 2018	5:30 – 7:30	Youth Cabinet
25 th April 2018	11:00 – 12:30	Education & Skills SMT
Tuesday 1 st May 2018	10:00am	Children Young People & Families Consortium
Wednesday 9 th June 2018	9:30am	Public Health SMT
Tuesday 22 nd May 2018	4:30 – 6:30	CYPS Partnership & Transformation Meeting
Monday 11 th June as an update	2:00 – 4:00	Asset Management Board
Wednesday 6 th June 2018	10:00 – 12:00	Early Help Steering Group



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Final Building Proposals' Early Help Phase Two & Phase Three Following Feedback from the 90 day Public, Partner and Staff Consultation.

1. Comments from the public illustrated strong support for locally based centres and the need for low cost or no cost activities. Some parents indicated that they would be prepared to pay for some activities, but many thought that a 'core' of activities should be free and available to all; as the people who may want /need this most may have the least money to pay. Some respondents suggested a trial of 'a pay what you can' approach to activity (this already happens in some centres).
2. The building proposals remain largely unchanged following the consultation period; however, the consultation raised some issues which required consideration and solutions from the Early Help Service and colleagues in both Corporate Property Services and Legal Services, pending Cabinet approval to progress. The key issues are listed below:

2.1 *The public consultation and online questionnaire highlighted the need for the Early Help Service to provide greater clarity to the public and ward councillors around the difference between a 'physical building' and the broader delivery of services in the community.*

- 2.1.1. Public perception was that relocating from a building meant that the services were also ceasing in that locality – this is not the case. The Early Help Service will continue to provide a 0-19 outreach and engagement offer which includes an early years 'children's centre' offer and services for those families most in need through community venues, joint delivery with health, schools and the VCI sectors. The three proposed deregistration of children's centres will continue to deliver early years services and early help will secure access to the buildings in order to deliver sessions for up to 10 hours per week through a Service Level Agreement (SLA) that meets DfE requirements (where appropriate).
- 2.1.2. Similarly, the 0-19 outreach and engagement offer will include a targeted and detached 'youth offer' in the areas required. Discussions have commenced with the VCI sector to consider their role in providing an open access universal offer across the town. Where required, a SLA will be implemented to ensure that early help can also utilise youth buildings as required.

2.2 *Consideration to be given to adequate notice periods, exit strategies and support for other agencies and members of the public using Early Help, Youth and Children's Centre buildings.*

- 2.2.1 Through public and partner consultation some concerns were raised for current tenants that share buildings with Early Help. These included the 'Chat and Chill' group, community groups; including a community radio station, pre-school, Pupil Referral Unit (PRU), a 'card club' at Kiveton, Adult Social Care, and a charity led day. Whilst the recommendation is for Early Help staff to relocate, further work is being carried out by Corporate

Property colleagues to ensure that views and needs are taken into account when agreeing the future of the building.

2.3 Requirement for robust service level agreements to; protect the assets, prevent DfE clawback on capital funding and ensure that RMBC Early Help can deliver as required and ensure minimum disruption for any remaining tenants if the buildings are to transfer to schools or academies.

2.3.1 The Early Help Service is being supported by colleagues in the Early Years team, legal services and Corporate Property Services to enable the transfer and de registration of the proposed buildings. Robust SLA's were developed and utilised in 2015 for the children's centre restructure to prevent DfE clawback on capital funding from the sure start grant and ensured the assets were utilised correctly. These will be utilised again and considered for the proposed youth buildings as required.

2.4 Clarity around the role and contracting arrangements from April 2019 for the three contacted Children's Centre Sites (Rawmarsh Nursery and Children's Centre, Aughton Early Years and The Arnold Centre) in the 0-19 proposed delivery model.

2.4.1 Preliminary discussions have taken place with the three Head Teachers at the contracted sites. They are aware of the proposals and the impact that this could have regarding funding, management costs, REACH area and staffing changes. The contracts expire in March 2019 and will require updating to incorporate final decisions following Cabinet.

2.4.2 The three schools and the Early Help Service are aware of the need to negotiate a reduced 0-19 outreach and engagement offer. It is recognised that their core business is early years and as they are nursery settings this is not transferrable to a full 0-19 model. The 'over 5' element will be incorporated into the Early Help locality model.

3. North: (children's centre data as of 30/06/18, youth data as of 01/01/18 to 30/06/18)

3.1 Wath Victoria Children's Centre – Proposal: De Register

The current proposal includes the recommendation to transfer the asset to the school to use for early years services and implement a Service Level Agreement (SLA) for 10 hours to enable Children's Centre use as a 'linked site.'

Children aged 0-4	Living in most deprived areas	30% deprived	Living in most deprived areas	10% deprived	% Registered end of Q1
1405	340 (24.2%)		109 (8%)		82%

3.1.1 **Wards affected:** Hoover Ward, Swinton Ward and Wath Ward.

3.1.2 **Reach Area:** Wath Central & Newhill, West Melton, West Brampton North, Wath North East, Wath South West, Wath North, West Melton East, Wath South East, Wath South, Brampton South, West Melton South, Wentworth & Harley

3.1.3 **Rationale:** Deprivation levels overall are average for the borough, with pockets of higher deprivation scattered across the 'reach' area. Wath

Victoria serves 364 children from the 30% most deprived areas and is accessible from Brampton and West Melton (to the West).

- 3.1.4 Wath Victoria was proposed to close in 2015 due to its low number of families living in deprived areas.
- 3.1.5 The centre currently delivers most activities in the community and this will continue under the proposals. Performance in Q4 was good with the Rotherham wide target met for engagement rates and just under at 90% against a 95% target for registration rates (see table above).
- 3.1.6 Preliminary discussions have taken place with the Head Teacher who is supportive of the proposals if approved. The school would utilise the space for additional 2 and 3 year old provision and support health and early help in accessing the building under a 10 hour SLA.
- 3.1.7 Corporate Property Services are aware that they need to provide 6 months' notice to the James Montgomery Academy Trust (JMAT) under the terms of the sublease of the intention to leave the building and hand over to the Trust. The CEO of JMAT is supportive of this proposal.
- 3.1.8 It is proposed that the youth building remains a staff base in Wath in order to develop a 0-19 'Family Hub' and a Service Level Agreement (SLA) will be implemented for 10 hours children's centre use as a 'linked site.'

3.2 Thrybergh Rainbow and Dalton Willow Tree Centre's – Proposal: Retain (with staff relocating from Thrybergh and Dalton).

Children aged 0-4	Living in 30% most deprived areas	Living in 10% most deprived areas	% Registered end of Q1
785	565 (72%)	500 (64%)	89%

- 3.2.1 **Wards affected:** Rotherham East Ward, Silverwood Ward, Valley Ward and Wickersley Ward.
- 3.2.2 **Reach Area:** East Herringthorpe North, Dalton, Thrybergh South, East Herringthorpe East, Thrybergh East, Thrybergh North & Hooton Roberts, Brecks East, Ravenfield, Ravenfield Common.
- 3.2.3 **Rationale:** Thrybergh & Dalton already serves one of the most deprived reach areas with 72% of children in the most deprived 30%. It is also accessible to the less deprived Ravenfield area, currently served by Stepping Stones, and is more accessible than Maltby. It is important that a Children's Centre remains in this area, however the current buildings arrangements are not practical and both currently provide Day Care on site. The two local school Academy Trusts have indicated an interest in the running of the Day Care and discussions have commenced regarding this.
- 3.2.4 The Dalton facility comprises of one small community room. It is proposed to relocate the staff from here to the much larger and more accessible Youth Centre (approx. 200 yards down the road). A 10 hour SLA will remain at Dalton and at Thrybergh and this will allow much closer staff integration.
- 3.2.5 Thrybergh Rainbow is located at the bottom of a very steep hill which can be an issue for families to access with prams; currently only 23% of families are seen at the centre with the remainder accessing services in the

community or through a different centre. Through consultation, families have requested that more services should be delivered in the community rather than from this centre.

- 3.2.6 Discussions regarding the transfer of the Local Authority delivered day care at both sites have taken place with the two schools both are keen to progress this and utilise the space for additional 2 and 3 year old provision. This ongoing work will be supported by the Early Years team.

3.3 Swinton Youth Centre – Proposal: Relocate staff and surrender lease to school with a negotiated SLA implemented

- 3.3.1 Early Help currently delivers two group work sessions per week at Swinton Youth Centre. More individual young people are seen through detached youth work than through centre based contact. Centre attendance has declined by 48% from 2016/17 to 2017/18 with an increased focus on targeted group work.
- 3.3.2 Staff are currently based across four sites; Swinton Youth Centre, Wath Youth Centre, Wath Victoria Children's Centre and Swinton Brookfield Children's Centre.
- 3.3.3 Young people are keen to continue using Swinton Youth Centre and signed a petition to support ongoing provision at this site; this will continue via a SLA.
- 3.3.4 The proposal, which equates to minimal disruption to youth provision, is to cease using Swinton Youth Centre (which is located on the school site) as a work base for staff, and use a negotiated SLA with the school to maintain access for centre based sessions.
- 3.3.5 Detached work will continue in the area. Early Help are in discussion with the Library Service regarding utilising space for delivery of youth activity, as the precinct nearby is a hot spot area for youth nuisance.
- 3.3.6 Discussions regarding the future use of Swinton Youth Centre are scheduled for September 2018.
- 3.3.7 The Youth Centre is part of the school site and is part of the 125 year lease when the school became an academy in September 2016. Corporate Property Services will need to negotiate with Aston Community Education Trust (ACET) for Rights Granted.

4. Central:

4.1 Broom Valley Children's Centre – Proposal: – De Register

The current proposal requires additional consultation with the School Governing Body in September 2018; the options are:-

- Surrender the lease (asset transfer) to the school to use for early years services and implement a Service Level Agreement (SLA) for 10 hours Children's Centre use as a 'linked site.'
- If school decided not to take over the building there are PVI sector organisations willing to lease this for Early Year provision.

Children aged 0-4	Living in 30% most	Living in 10% most	% Registered end
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	deprived areas	deprived areas	of Q1
1,481	874 (59%)	294 (20%)	70%

- 4.1.1 Wards affected: Boston Castle Ward, Brinsworth and Catcliffe Ward, Rotherham East Ward, Rotherham West Ward, Sitwell Ward and Valley Ward.
- 4.1.2 Reach Area: Canklow North, Town Centre, Clifton West, South Central and Boston Castle, Whiston East, Broom East, Canklow South, Broom Valley, Whiston West, Whiston South and Morthen, Moorgate West, Whiston North, Broom South, Moorgate East and Brecks South West.
- 4.1.3 Rationale: Valley Children's Centre, at Broom Valley, serves Central Rotherham and areas to the South. This is a diverse area with a large number of children and significant areas of deprivation.
- 4.1.4 The Centre has struggled to meet performance targets due to the interim arrangements and few families accessing the centre due to its location.
- 4.1.5 Broom Valley Centre is located in a difficult to find location on a steep hill and on a private road. The Centre has been running limited activities from the building since April 2017 due to interim management arrangements with the reach area split between Park View/Central and Coleridge. Throughout this period, no concerns have been raised about the delivery of the offer by parents, Advisory Board members or partners.
- 4.1.6 Preliminary discussions have taken place with the school, early help, early years and property officers. The early year's sufficiency data shows that there is a shortage of 2 year old places in this area and the building if de registered could be utilised for this purpose either by the school or a private provider.
- 4.1.7 The Head Teacher has requested further information to take to full Governing Body in September 2018, and school will consider the options regarding the building.

4.2 Park View Childrens' Centre – Proposal: De-register.

The current proposal includes the recommendation to transfer the asset to the school to use for early years services and implement a Service Level Agreement (SLA) for 10 hours Children's Centre use as a 'linked site.'

Children aged 0-4	Living in 30% most deprived areas	Living in 10% most deprived areas	% Registered end of Q1
1,176	693 (59%)	219 (19%)	86%

- 4.2.1 Wards affected: Hoover Ward, Keppel Ward, Rotherham West Ward, and Wingfield Ward.
- 4.2.2 Reach Area: Wingfield, Greasbrough South, Rockingham West, Kimberworth Park East, Kimberworth Park Roughwood, Kimberworth Park West, Kimberworth Park Central, Rockingham East, Kimberworth Park South, Kimberworth North West, Greasbrough North, Greasbrough East, Thorpe Hesley West, Kimberworth North East, Dropping Well, Thorpe Common & Scholes, Thorpe Hesley Central and Thorpe Hesley East.

- 4.2.3 **Rationale:** The existing Children's Centre at Park View serves 693 children from the 30% most deprived areas. Although there are no specific areas with very high deprivation, North West Rotherham does have pockets of moderately high deprivation spread over a wide geographical area.
- 4.2.4 Park View was previously considered for de-registration under the last restructure. The current manager and staff are predominately based at the alternate Central Children's Centre. Park View consists of a small community room and office space in the school site.
- 4.2.5 The community can be served without a physical building as services are currently delivered in community venues with excellent performance; above Rotherham target figures for registration and engagement rates achieved at the end of Q4.
- 4.2.6 Additional information and visits to the area have been facilitated at the request of Ward Councillors to understand the proposals in greater depth.
- 4.2.7 Preliminary discussions have taken place with the Head Teacher who is supportive of the proposals if approved. The school would utilise the space for additional 2 and 3 year old provision, community learning and breakfast club provision. If approved the school would agree to enable health and early help to access the building under a 10 hour SLA.
- 4.2.8 Redscope School have made an application to the DfE to convert to an Academy in early 2019. If approved the Council would include the Children Centre within the 125 year lease to the academy.
- 4.3 **Coleridge Children's Centre – Proposal: Retain and relocate staff base to The Place.**

Children aged 0-4	Living in 30% most deprived areas	Living in 10% most deprived areas	% Registered end of Q1
997	984 (89%)	740 (74%)	87%

- 4.3.1 **Wards affected:** Boston Castle Ward, Rotherham East Ward and Valley Ward.
- 4.3.2 **Reach Area:** Eastwood Village, Eastwood East, Eastwood Central, East Dene North East, East Dene North West and Clifton East.
- 4.3.3 **Rationale:** Coleridge serves a small, but densely populated reach area, which is the most deprived in Rotherham. 89% of children are from areas amongst the most deprived 30%. The local population is very diverse with a high proportion from BME communities, many large families and experiences a high population turnover.
- 4.3.4 The population has grown over the last 10 years as a result of inward migration. Child poverty and children in families with no car are almost double the Borough average and the highest of any Reach Area in Rotherham. All of these factors support the retention of Coleridge.
- 4.3.5 The proposal is to relocate the Children's Centre offer to the Place as the current centre comprises of one small community room in the middle of the school, alongside the Day Care offer. This is the current arrangement due

to the development of The Place. The staff in this area currently work from The Place as there is no office space in the Children's Centre.

- 4.3.6 The Place is a multiagency family hub next door to the school, with staff and managers from; Housing, Health, Social Care and Early Help all co-located.
- 4.3.7 Preliminary discussions have taken place with the school regarding the transfer of the Local Authority run day care at this site. The school is keen to progress this and utilise the additional Children's Centre space for early year's provision.
- 4.4 **Herringthorpe Youth Centre – Proposal: Decant and provide the youth offer through different venues and in the community**
 - 4.4.1 Herringthorpe has the lowest footfall across the youth centres in the central patch and attendance has reduced by 42% (74 attendees in 2016/17 and 43 in 2017/18).
 - 4.4.2 The centre provides targeted group work and hosts a music studio. Staff that are based at the centre have limited office space, and internet access is poor.
 - 4.4.3 The proposal is to relocate the three members of staff to the 0-19 Family Hub (The Place) where Health, Early Help and Children's Social Care are co-located and where needs can be met in one place.
 - 4.4.4 The targeted youth work offer, including project and detached activity, will continue to be delivered at local venues in partnership with voluntary and community sector in the area (Clifton Learning Partnership, Barnardo's and Rotherham United Football Community Trust.)
 - 4.4.5 Early Help can relocate musical equipment to another centre and continue to use this to support targeted group work; or alternatively relocate staff and continue to house the music equipment in there.
 - 4.4.6 Further discussions are scheduled to take place with Early Help, Property and the PRU. Until recently the PRU (Aspire) were occupying the building. Aspire still retain an interest and continue to pay 90% of the utilities.

5. South:

- 5.1 **Treeton Youth Centre – Proposals: Relocate staff to be based at Catcliffe School and Aston Service Centre and provide the youth offer through different venues and in the community.**
 - 5.1.1 The building is currently in a state of disrepair and requires significant investment to make it fit for purpose. The site includes the old school house (used as staff office space,) the youth centre and the Multi Use Games Area (MUGA).
 - 5.1.2 All of the youth work undertaken in Treeton is targeted group work or street-based. This is not proposed to change and will continue in the future.
 - 5.1.3 Staff have already been allocated an alternative base at Catcliffe School and are in the process of moving into this space which will provide a 0-19

Family Hub and provide shared delivery with the Children's Centre linked site.

- 5.1.4 Staff will hot desk from Aston Service Centre and will benefit from the colocation with social care and health at this base.
- 5.1.5 The Enterprise Units at Treeton are still partially occupied, but tenants will make alternative arrangements once the Early Help Team has moved to Catcliffe. This will be informed by work underway with Corporate Property Services.
- 5.1.6 Early Help and Property Services are in discussion with Treeton Parish Council regarding the Multi-Use Games Area.
- 5.1.7 Discussions are also underway with Brinsworth Community Library around utilising space for the delivery of group work.

5.2 Kiveton Youth Centre – Proposal: Relocate staff through different venues and in the community. Staff base to be identified and feasibility of options discussed at the Asset Management Board

- 5.2.1 Numbers attending youth work sessions at Kiveton has declined by 52% over the last two years. The majority of youth work currently undertaken in Kiveton is detached or aimed at vulnerable young people, and this focus will continue in the future.
- 5.2.2 Kiveton Youth Centre is in poor condition. The roof requires partial replacement and there is currently insufficient capital in the CYPS capital programme to refurbish / remodel this building. The report is available from Corporate Property Unit and is part of their current review.
- 5.2.3 Additional consultation sessions with the public and visits with ward members and Property officers have been conducted to consider the findings of the survey report.
- 5.2.4 Early Help requires a space to use as an office base and for delivery in this area, but the current building is not suitable due to the significant capital investment required. The service is working with Property Services to progress a split site arrangement between Dinnington School and Kiveton Library.
- 5.2.5 Current users of Kiveton Youth Centre include; young people, 0-19 health, Red Road Community Radio Project, JADE youth club and an adult social care social group who would be affected by the closure of Kiveton.
- 5.2.6 The development of Kiveton Library as a community resource or asset transfer could provide shared space for delivery of community projects.
- 5.2.7 Where possible, RMBC will support other groups currently using Kiveton to seek alternative community delivery sites.

5.3 Maltby Linx Youth Centre proposal: Relocate staff and transfer to school with a negotiated SLA implemented.

- 5.3.1 Maltby Linx provides primarily targeted youth provision two nights per week and two sessions of detached youth work.

- 5.3.2 Attendance at centre based sessions has declined by 64% (384 young people in 2016/17 to 187 2017/18) due to the increasingly targeted nature of youth work. Detached work in Maltby provides a third of all activity, and this will continue in the future. Moving forward youth provision needs to continue to deliver more targeted activity.
- 5.3.3 A weekly targeted group for young people with Autism (Chat n Chill) is currently jointly delivered by Early Help and the Behaviour Support Service. Young people attending this group identify strongly with the building.
- 5.3.4 A discrete area of the building with a separate entrance is rented to Maltby Linx Pre-School. Trustees of the Pre-School charity have expressed concerns about the future delivery of a local early years offer if they are unable to secure a rental arrangement with Maltby Academy.
- 5.3.5 Preliminary discussions have taken place with Maltby Academy who is in favour of taking over the running of the Centre under a negotiated SLA. The school currently use the Centre at lunchtime to 'manage' their dinner rota and this does have an impact on the Centre.
- 5.3.6 There are three RMBC buildings in Maltby; the Linx, Maltby Service Centre and the Children's Centre which is currently under-occupied.
- 5.3.7 It is proposed, that moving forward, the Early Help Team will be based in the Children's Centre with access to Maltby Linx to deliver targeted Early Help work.
- 5.3.8 Additional public consultation sessions have been facilitated alongside an individual meeting with the pre-school. Consideration does need to be given to the points raised by the pre-school and staff in the building in developing an SLA if approved.

Definitions:

Designated Children's Centres are expected to provide the 'core offer' and are therefore subject to inspections under the current OFSTED Framework for Children's Centres.

De-registration:

Deregistration of a Children's Centre means that the building will no longer be used solely for children's centre services. Children's Centre activity will continue in the area but will be delivered from a range of other suitable venues.

The de register process changes the building from a designated Children's Centre to a building asset which will continue to provide early years and children's centre services within the reach area and work in partnership with the designated children's centre for that area.

The building/room will no longer be funded by the Local Authority. It will be 'leased' to the school (or private provider through a tender process) on which it is sited to be used for the delivery of early years and children centre services. This continued delivery of early years and children centre services precludes any Department for Education (DfE) capital funding clawback.

Detached also known as or street work: meeting and developing purposeful relationships with young people in public spaces, such as parks, bus shelters, shopping centres or on the street.

Open access: Universal youth work, intended for all young people in an area

Targeted: Support for young people who need it most; including vulnerable groups and those open to Services.

DRAFT

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<p>Under the Equality Act 2010 Protected characteristics are age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity. Page 6 of guidance. Other areas to note see guidance appendix 1</p>	
<p>Name of policy, service or function. If a policy, list any associated policies:</p>	<p>Early Help Strategy 2016-19 Phase Two & Three implementation:</p>
<p>Name of service and Directorate</p>	<p>Early Help: Children and Young People's Services (CYPS)</p>
<p>Lead manager</p>	<p>David McWilliams: Assistant Director, Early Help & Family Engagement</p>
<p>Date of Equality Analysis (EA)</p>	<p>V1.0 January 2018. PG V1.1 June 2018. DMcW V1.2 September. DMcW 26/09/18 Community Reference Group V1.3 October 2018. DMcW</p>
<p>Names of those involved in the EA (Should include at least two other people)</p>	<p>David McWilliams Paul Grimwood Jenny Lingrell Karla Capstick Susan Claydon Anne Hawke Debi Scott</p>
<p>Aim/Scope (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1</p> <p>The Early Help Service is an essential component of Rotherham Metropolitan Borough Council's (RMBC) Improvement Plan. It is designed to meet the needs of children, young people and families swiftly, when they first emerge, and to prevent the requirement for statutory intervention. Since the publication of the Graham Allen report, Early Intervention: the next steps in 2011 and the subsequent creation of the Early Intervention Foundation (EIF), evidence has been collated to make the case for Early Intervention. The evidence shows that outcomes are better for children and young people if agencies intervene earlier; that working with the whole family is most effective and that the work yields cost benefits across public service, including adult social care; the criminal justice and welfare systems. (The Cost of Late Intervention, EIF, 2016).</p> <p>Early Help spans a wide age range; 0-19 years (and up to 25 years if there is a disability or special educational need). It incorporates pre-birth, early years, adolescence through to early adulthood. Early Help has a critical role to play at the key transition points in a child's journey from dependence to independence. The service brings together a range of statutory and non-statutory functions including; Family Support Services, Education Welfare, Youth Justice and Youth Support Services.</p> <p>The statutory guidance, Working Together to Safeguard Children (2018), sets out the requirements for Early Help Services, stating;</p>	

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The provision of early help services should form part of a continuum of support to respond to the different levels of need of individual children and families.

Local areas should have a comprehensive range of effective, evidence-based services in place to address assessed needs early. The early help on offer should draw upon any local assessment of need, including the Joint Strategic Needs Analysis (JSNA) and the latest evidence of the effectiveness of early help programmes.

In addition to high quality support in universal services, specific local early help services will typically include family and parenting programmes, assistance with health issues, including mental health, responses to emerging thematic concerns in extra-familial contexts, and help for emerging problems relating to domestic abuse, drug or alcohol misuse by an adult or a child.

Services may also focus on improving family functioning and building the family's own capability to solve problems. This should be done within a structured, evidence-based framework involving regular review to ensure that real progress is being made. Some of these services may be delivered to parents but should always be evaluated to demonstrate the impact they are having on the outcomes for the child.

The statutory guidance makes it clear that; ***all local agencies should work together to support children and families.***

The Early Help Strategy 2016-19 Vision is for;

“All agencies working together to ensure Children, young people and families have their needs identified early so that they can receive swift access to targeted help and support,” and articulates the ‘journey’ to put in place an effective, value for money early help offer over three phases.

This supports and directly contributes to the Children and Young People's Services vision;

Working with children, families and our partners, for Rotherham's Children's Services to be rated outstanding by 2018;

Children and young people are healthy and safe from harm

Children and young people start school ready to learn for life

Children, young people and their families are ready for the world of work

This will mean our children, young people and families are proud to live and work in Rotherham.

Phase One of the Early Help Strategy was about going back to the basics. Putting effective systems and processes in place that are easy to access and simple to understand.

Phase Two is the whole service delivery redesign; developing new job roles and more efficient and effective ways of working to embed a shared responsibility across the

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partnership for meeting the needs of families earlier. We will build on our achievements in phase one and refine our early Help Offer through further integration and service redesign with our partners and stakeholders.

Phase Three will ensure that we have an effective early help offer that is sustainable and critical to the ambitions of the partnership and the council and implement more radical approaches to ensuring better outcomes for Children, young People and families in Rotherham. We will explore the potential for all-age family integrated services and reshape our existing centres into all age delivery points in localities and communities. We will review our staffing structures and seek to reduce our management capacity as the early help offer becomes further embedded.

This equality analysis concerns Phase Two and Three of the Strategy which proposes the consolidation of key skills within the workforce, an improved management structure, and a redistribution of resources to ensure the needs of the community are matched with demand and need. This includes proposals on which buildings are; Best Value, the most appropriate for direct delivery, accessible to the community, staff bases and co-location with key partners.

A summary of the key changes proposed are:

The development of locality Family Hubs, (Early Help Team bases with staff co-located alongside RMBC services, social care and health partners and provide delivery points for the 0-19 Offer). The commitment to explore the development of Family Hubs is an objective within Phase Three of the Early Help Strategy and is informed by the rationale contained within; Family Hubs, A Discussion Paper, The Children's Commissioner, October 2016.

The introduction of a borough wide Intervention Hub. This will expand upon the current evidenced based programmes used by Early Help practitioners across the borough to achieve better and more sustained outcomes for children, young people and families in Rotherham.

An expansion of the Family Group Conferencing (FGC) and Edge of Care (EoC) provision to ensure that children and families receive high quality, cost effective interventions.

A reduction in the number of Heads of Service posts from four to three.

The creation of an Early Help Service Manager Post.

Greater integration of the Youth Offending Team, bringing interventions into localities so that young offenders are integrated more effectively into their communities and enhancing the multi-agency response from Education, Schools and social care. This is in line with the recommendations of the Taylor Review of the Youth Justice System in England & Wales December 2016.

A proposed reduction in the number of registered Children Centres from 12 to 9, whilst

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ensuring the Children Centre Offer within the locality is retained by delivering universal and targeted services from a range of sites better suited to the needs of families. DfE Sure Start Children's Centre Statutory Guidance (April 2013) states;

A children's centre should make available universal and targeted early childhood services either by providing the services at the centre itself or by providing advice and assistance to parents (mothers and fathers) and prospective parents in accessing services provided elsewhere.

The statutory definition of a children's centre states that;

Children's centres are as much about making appropriate and integrated services available, as it is about providing premises in particular geographical areas.

The proposed Children Centres in scope are;

- Park View (Central Locality)
- Broom Valley (Central Locality)
- Wath Victoria (North Locality)

A proposed reduction in the number of local authority maintained Youth Centres and Early Help Team bases from eleven to six.

The Statutory Guidance, Section 507B of the Education and Inspections Act 2006. States that;

It is therefore local authorities' duty to secure, so far as is reasonably practicable, equality of access for all young people to the positive, preventative and early help they need to improve their well-being. This includes youth work and other services and activities that:

- a. Connect young people with their communities, enabling them to belong and contribute to society, including through volunteering, and supporting them to have a voice in decisions which affect their lives;
- b. Offer young people opportunities in safe environments to take part in a wide range of sports, arts, music and other activities, through which they can develop a strong sense of belonging, socialise safely with their peers, enjoy social mixing, experience spending time with older people, and develop relationships with adults they trust;
- c. Support the personal and social development of young people through which they build the capabilities they need for learning, work, and the transition to adulthood – communication, confidence and agency, creativity, managing feelings, planning and problem solving, relationships and leadership, and resilience and determination;

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- d. Improve young people's physical and mental health and emotional well-being;
- e. Help those young people at risk of dropping out of learning or not achieving their full potential to engage and attain in education or training; and
- f. Raise young people's aspirations, build their resilience, and inform their decisions – and thereby reducing teenage pregnancy, risky behaviours such as substance misuse, and involvement in crime and anti-social behaviour.

The proposed Youth Centres and Team Bases in scope are;

- Herringthorpe (Central Locality)
- Treeton (South Locality)
- Kiveton (South Locality)
- Maltby Linx (South Locality)
- Swinton (North Locality)

A set of Guiding Principles were agreed with Early Help Managers and were subsequently approved at the 10th July 2017 Cabinet Meeting.

The guiding principles of the Early Help Strategy consultation are:

- To build on what's working well
- To embed whole family working (one family, one worker, one plan)
- To address the current inequities in roles, responsibilities and remuneration
- To support integrated locality working and the Thriving Neighbourhoods programme
- To work restoratively with a culture of continuous improvement and excellence
- To deliver value for money and our approved savings
- To seek savings through reducing the management structure
- To ensure there are clear lines of responsibility and clear progression routes
- To invest in workforce development
- To enable flexible working with high quality and affordable delivery points (Places to go and things to do)

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What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics? See page 7 of guidance step 2

A snapshot of the service (June 18) shows 3912 children and young people in 1757 families working with Early Help practitioners. Referrals came from a range of health providers, (including adult and children's mental health), a range of education providers (Primary, Secondary and Special). Housing, individuals, Children's and adult social care, nurseries voluntary and community agencies, refuges, police and other emergency services and other local authorities.

The bringing together of services that were previously disparate to provide a coherent and targeted offer means Early Help has an increasing detailed knowledge of the needs of individuals, families and communities.

An analysis of demand shows; Parenting (38.5%) followed by Mental Health and Emotional Wellbeing (20.5%), Family Relationships (9.7%), Attendance and School Engagement (7.2%) and Domestic Violence (3.5%) as the key presenting issues resulting in an Early Help intervention.

Ages of children within the scope of the service range from unborn to 25, with gender distributed as 47% Female and 52% Male. Disabilities account for 1.4% of those worked with.

The Ethnicity of those worked with shows different proportions to the overall ethnic population of Rotherham identified in the 2011 census. White British are a lower proportion and BME groups are higher. This will to some extent reflect further migration from European countries since the last population census, but is still larger than the predicted increase of 10% in BME groups, (Office of National Statistics) indicating a growth in need amongst these groups.

Ethnic Group	Early Help Data	PLASC 2016 Numbers	PLASC 2016 Percentages
A1 - White British	81.45%	36,442	82.6%
A2 - White Irish	7.00%	47	0.1%
A3 - Any other White background	2.62%	1,056	2.4%
A5 - Gypsy / Roma	3.95%	706	1.6%
B1 - White and Black Caribbean	1.01%	299	0.7%
B2 - White and Black African	0.59%	193	0.4%
B3 - White and Asian	1.50%	475	1.1%
B4 - Any other mixed background	0.87%	211	0.5%
C2 - Pakistani	2.72%	2,914	6.6%
C3 - Bangladeshi	7.00%	27	0.06%

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C4 - Any other Asian background	0.94%	393	0.9%
D1 - Caribbean	3.00%	26	0.06%
D2 - African	1.36%	480	1.1%
D3 - Any other Black background	0.14%	66	0.15%
E1 - Chinese	0.17%	135	0.3%
E2 - Any other ethnic group	2.41%	292	0.7%
E3 - Refused	7.00%	63	0.1%

Comparison of the 1,657 children worked with in 2017 and the 44,128 children surveyed for the 2016 school census (PLASC) shows that the White British percentage is representative of Rotherham with 84% of those known from this ethnicity.

The percentages White Irish, Bangladeshi, Caribbean and Other ethnic group are high relative to population sizes.

The percentage of Pakistani children worked with is relatively low as a proportion of the overall cohort.

In order to ensure the service maintains an effective and inclusive offer to all groups and communities, the service has a monthly dashboard which is monitored by senior managers Bi-weekly as well as scrutiny through; The Performance Board, The Children and Young People's Partnership, The Early Help Review Board, The Early Help Steering Group and the Children's Transformation Board. This ensures the service knows its target population, can monitor delivery to different groups and also in conjunction with intelligence shared by partners, (e.g. services across the council, police, schools and health), respond to trends within communities.

Engagement undertaken with customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3

A team of Young Inspectors have been involved in the inspection of some Early Help services resulting in improvement action plans and the views of young people will continue to inform service transformation through the delivery of the Early Help strategy.

Children, Young People and Families who receive a service from Early Help are routinely asked to complete an 'Exit Survey' once the intervention comes to an end as part of the Early Help Quality Assurance Framework.

The total number of surveys completed, since the system was launched is 390.

- North 82
- South 70
- Central 221
- Borough wide Services 6
- Children's Disability 1

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	<ul style="list-style-type: none"> • Not provided (i.e. skipped Question 10) <p>Top three presenting needs identified through Exit Surveys are;</p> <ul style="list-style-type: none"> • Parenting support for behaviour • Low self-esteem, self-confidence, self-worth • Financial difficulties/debt <p>A summary of feedback below shows that Families value the support from Early Help Practitioners.</p> <p>97% (360 people/families who responded to this question) got support when they <u>most</u> needed it</p> <p>98% (364 people/families who responded to this question) received the service they were expecting</p> <p>97% (364 people/families) rated their overall experience of the help and support they received from the worker(s) within the Early Help Team as Good or Excellent</p> <p>81% of respondents (291 people/families who responded to this question) are still using something they have learnt from us now.</p> <p>98% (364 people/families who responded to this question) felt listened to and involved in the planning of services and support they received.</p> <p>95% (329 people/families who responded to this question) said that the support/services provided by the Early Help Team had a positive impact on their life and the life of their children.</p> <p>Through the proposals in the Early Help Review, these roles will be strengthened further with greater equity in workload and remuneration and better career development opportunities.</p> <p>In the Autumn and winter of 2016/17 a significant consultation was undertaken during with; children and young people, staff, Voluntary and Community Sector, the Children and Young People's Strategic Partnership, Health and Wellbeing Board, Local Safeguarding Board, Safer Rotherham Partnership, Early Help Steering Group, Department for Communities & Local</p>
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	<p>Government, Troubled Families Unit, Sheffield City Council, Department for Education, Practice Improvement Partner (Lincolnshire County Council) and all Rotherham Ward and Parish Councillors.</p> <p>A robust 90 day consultation (60 day Public and 30 day Staff) will involve meetings with all staff as well as formal communication via letter and the offer of individual support through Human Resources (HR) and Early Help managers. The consultation will involve the Trade Unions and will be delivered through a combination of public meetings, online surveys and use of existing fora, for example Children Centre Advisory Panel. This consultation will seek the views of; parents, young people, Members, partners, stakeholders, professionals and members of the community through a series of consultation events across the borough. There will also be a dedicated Twitter account #earlyhelpconsultation2018 and an email account earlyhelp.consultation@rotherham.gov.uk for Frequently Asked Questions (FAQs).</p> <p>Partners to be engaged in the Early Help Whole Service Redesign consultation include;</p> <p>All Early Help RMBC staff, all Ward and Parish Councillors, CYP Strategic Partnership, HWB Board, Safeguarding Board, Safer Rotherham Partnership, all school Headteachers and school Governors, Voluntary Action Rotherham, Voluntary and Community Sector, Children and Families Consortium, South Yorkshire Police, Rotherham Ethnic Minority Alliance (REMA), Health Watch, Rotherham United FC, Public Health, Rotherham Doncaster and South Humber NHS Foundation Trust (RDaSH), The Rotherham NHS Foundation Trust (TRFT), Clinical Commissioning Group (CCG), Youth Cabinet, LAC Council, Barnardo's, Community Plan.</p> <p>A 60 day Public and Partner consultation began on 9th April 2018 and ceased on 7th June 2018. This consisted of 17 public and partner events across the borough including bespoke sessions in centres and buildings in scope, and presentations via strategic fora.</p> <p>An online consultation was also available for public and partners.</p> <p>In total 276 individuals or agencies participated in the Public and Partner consultation process:</p>
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	<p>On line consultation 164 Youth consultation 47 PublicEvents 65 (including VCS)</p>
<p>Engagement undertaken with staff about the implications on service users (date and group(s)consulted and key findings) See page 7 of guidance step 3</p>	<p>A 30 day staff consultation commenced on 8th June and finished 8th July. All Early Help staff received formal notification via letter of the 8 formal consultations taking place in June and was offered individual support on request through Human Resources (HR) and Early Help managers, who were also in attendance at the meetings.</p> <p>Three informal talk back sessions were also held with Early Help staff in April prior to the public consultation</p> <p>A separate email box was provided for questions, comments and suggestions from staff. (Frequently asked Questions) and these were updated during the consultation with comments and placed on the RMBC website for all to see.</p> <p>The informal talk back sessions saw a total 103 staff attending and 233 staff in all attended the 8 consultation meetings.</p> <p>The FAQ email generated 132 enquiries.</p>
The Analysis	
<p>How do you think the Policy/Service meets the needs of different communities and groups? Protected characteristics of age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, Civil Partnerships and Marriage, Pregnancy and Maternity. Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 and page 8 of guidance step 4</p> <p>The Early Help Service covers a wide range of need and includes working directly with different communities and groups. However, some need is universal and not unique to protected characteristics (e.g. parenting). The proposed service will need to take account of cultural differences and strengths, and the unique circumstances of some young people and families in Rotherham.</p> <p>In order to achieve this, the service has remodelled the Early Help Assessment (EHA) process to align with the Signs of Safety (SoS) model that all staff within Early Help are being trained in.</p>	

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To date 96% of staff have been trained and are embedding the approach within their work with families. This is an innovative strengths-based, safety-organised approach to working with children and families. At the heart of the Signs of Safety process is an assessment and case planning format that integrates professional knowledge with local family and cultural knowledge, to identify and implement interventions that will benefit children, young people and families avoiding the need for further costly interventions'. Early indications of its use with Early Help families are positive.

The impact of changes across the protected characteristics groups that Early Help works with is detailed below and is most likely to be initially experienced in the form of less frequent interventions or different models of engagement.

As the service moves towards more evidenced based, outcome focussed, and targeted forms of delivery, those individuals from protected groups are likely to experience a more enhanced service.

It is of particular importance that the service is agile enough and has tools that are flexible to respond to future need and changing demographics such as the population becoming more culturally diverse.

As well as responding to need as illustrated in the snapshot, the service also takes account of the fact that those most likely to require help and support are located in areas of multiple deprivation,

31.5% of Rotherham's population live in areas which are amongst the most deprived 20% in England and the most deprived areas in Rotherham are;

In Ferham, Eastwood, East Herringthorpe and Canklow circa 60% of children are affected by income deprivation. Although there are also high pockets of deprivation in other areas e.g. Maltby. The proposals within the redesign include relocating resources both management and staff to better reflect this need and to revise job descriptions to enable a more flexible workforce that is better able to respond to changes or spikes of need and demand.

The remodelling of the service aligns with the direction of travel in the proposed Working Together Guidance 2018. This emphasises the importance of Early Help in conjunction with partners to deal with unmet or emerging need in local communities and via evidence based assessment, utilising other evidence based tools, to work with families in context taking account not just of need and protected characteristics but the social context in which families find themselves.

The proposed changes to Children's Centres are likely to offer a more appropriate service to families and those with protected characteristics. Although three centres are proposed for deregistration with two presenting difficulties with access. The capacity of the service will remain and the 'offer' within the community will remain with delivers secured through a 10 hour Service Level Agreement (SLA) with the majority of the services continuing to be delivered in the community, as is the case at present.

0-4 years Context

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- 15,675 children aged between 0 and 4 years
- 0-4 years increased by 2.5% since 2011
- Early Years numbers are projected to decrease very slowly until 2019 then stabilise
- 8361 (53%) live in areas within the most deprived 30% of England
- Rotherham South and Rotherham North have the most children
- Rother Valley South and Wentworth Valley the fewest.
- Most deprived areas in the Borough tend to have a higher proportion of children aged 0-4 (reflected in the numbers living in the most deprived 30% of areas)
- Rotherham South and Wentworth South have highest numbers living in areas of high deprivation

Park View (Central Locality)

Wards affected: Hooper Ward, Keppel Ward, Rotherham West Ward and Wingfield Ward.

Rationale: Serves 677 children from the 30% most deprived areas
No specific areas with very high deprivation.
Pockets of moderately high deprivation spread over a wide geographical area.

*Previously considered for de-registration under the last restructure.
Manager and staff are predominately based at the Central Children's Centre.
Consists of a small community room and office space in the school site.
36% of families access services at the building and 77% access services in the community
22% using other Centres.
Community can be served without a physical building.
Deprivation lower here compared to other Central Children's Centres.

Broom Valley (Central Locality)

Wards affected: Boston Castle Ward, Brinsworth and Catcliffe Ward, Rotherham East Ward, Rotherham West Ward, Sitwell Ward, Silverwood Ward, Valley Ward, Wickersley Ward.

Rationale: Serves Central Rotherham and areas to the South
Diverse area, large number of children and significant areas of deprivation

Located in a difficult location on a steep hill, and private road.
Running limited activities since April 2017.
Reach area split between Park View and Coleridge.
No concerns raised by parents, Advisory Board members or partners.
40% of families access services at the centre.
Mainly health services which could be re located to the busier Coleridge area.
62% of families currently access services within the community and a further 12% access services elsewhere.
Deprivation level lower compared to other Central Children's Centres

Wath Victoria (North Locality)

Wards affected: Hooper Ward, Swinton Ward and Wath Ward.

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Rationale: Deprivation levels average for the borough, pockets of higher deprivation scattered across the 'Reach' area.

Wath Victoria serves 364 children from the 30% most deprived areas.

Accessible from Brampton and West Melton (to the West).

Two small community rooms and a small office space attached to the school.

72% of families currently accessing services from other venues.

26% of families also accessing other Centres.

*Previously considered for de-registration under the last restructure.

It is proposed that the Youth Building remains in Wath in order to develop a 0-19 'Family Hub' and a Service Level Agreement (SLA) will be implemented for 10 hours Children's Centre use as a 'linked site.'

In addition to the dashboard and scrutiny mentioned above The service carries out frequent audits of cases and evaluates services provided to ensure we are continuing to meet the disparate needs of the population. In addition Early Help is more than just an RMBC service and works in partnership with agencies to respond to Rotherham communities. Recent examples include responses to Hate Crime and CSE.

Analysis of the actual or likely effect of the Policy or Service:

See page 8 of guidance step 4 and 5

Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics **Does the Service/Policy provide any improvements/remove barriers?** Identify by protected characteristics

Analyses of the proposals show that there will be an impact for staff in the reduction of posts within the service.

Whilst communities, families and young people are likely to feel some impact in terms different delivery models and different locations, this will be offset in the longer term by an increased skilled workforce, the increased use of evidence based interventions and assessments and Early Help interventions that build on existing strengths within the individual, family and community.

The proposed changes to the Early Help Staffing establishment would deliver a ratio of Management to frontline staff as follows;

- Management: 13%
- Frontline staff: 87%

he analysis of current need within the Early Help population and the desire to continue Rotherham's improvement journey indicates that in order to continue to provide an effective service to the needs (illustrated in the snapshot data), the service needs to upskill the workforce to provide an enhanced level of skills and support to both families and partners.

The proposed redesign of the service will also incorporate the reduction of 12 registered Children's Centres to 9 and 11 Youth Centres to 6. It is proposed that the Children

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Centres that become deregistered will continue to run from linked sites with schools providing day care.

A Summary of the Youth Centre Proposals:

- Swinton Youth Centre – Proposal: Decant & transfer to school with SLA

Rationale:

Four 'early help' buildings within close proximity in this area of the borough.

Attendance declined by 48% in two years.

Majority of youth contact associated with Swinton Centre is street based

Only 23% of youth work delivered from this centre is Universal.

77% Targeted (44% street based).

Service Level Agreement with the school to ensure current and future demand

The street based detached youth work will continue to be targeted and remain unaffected by these proposals.

- Herringthorpe Youth Centre – Proposal: Decant & provide youth offer through different venues & provide better accommodation for staff

Rationale: Lowest engagement with young people compared with the other youth centres in the Central patch.

Attendance declined 42% in two years.

Diverts young people away from the multi-agency centre (The Place) where Health, Early Help and Children's Social Care are colocated and where wider needs can be met in one place.

*Staff cannot base themselves to work due to the poor facilities.

Does not operate as a traditional 'open access' Youth Club.

Use is exclusively by invitation only (targeted).

- Treeton Youth Centre – Proposal: Decant & provide youth offer through different venues & offer better accommodation for staff

Rationale:

Majority of youth work undertaken in Treeton is 'open access' or street based.

Building in a poor state of disrepair and requires significant investment.

Youth work undertaken in Treeton is targeted group work or street-based.

Site includes the old school house (used by staff as office space).

MUGA (Multi Use Games Area) on site.

Staff have an alternative base at Catcliffe school.

Will also offer shared delivery with the Children's Centre Linked Site.

Staff 'hot desk' from Aston Service Centre and benefit from the colocation with social care and health colleagues.

Discussions underway re developments and space in Brinsworth.

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- Kiveton Youth Centre – Proposal: Decant & provide youth offer through different venues & offer better accommodation for staff

Rationale:

Centre is in a very poor condition.

Roof leaks, Damp, Structural cracks & requires replacement.

Building is not fit for purpose and inadequate for the delivery of a high quality youth offer

Not an appropriate staff base.

Insufficient capital in the CYPs capital programme to rectify.

Attendance declined 52% over last two years.

Majority of youth work undertaken in Kiveton is open access or street based.

*Also used for the delivery of adult services and a community radio station and will require an exit strategy for all services using this building.

- Maltby Linx Youth Centre – Proposal: Decant & transfer to school with SLA in place with the school for negotiated space

Rationale:

Majority of youth work is open access or street based and this will continue in the future.

Located within the school grounds.

Discussions taken place with Maltby Academy to negotiate continued use of the building in the evenings and daytime for targeted work.

Attendance declined 64% in two years.

School already use the Centre during lunchtimes.

Minimum disruption to provision as the primary focus of the proposal is regarding the staff bases and better, use of the children's centre (proposed to become a 0-19 family hub).

Delivery of some youth sessions and targeted work will move to the family hub within the children's centre.

It is anticipated that school will continue to agreed use of the building due to the good working partnerships already developed.

Minimum disruption to young people and improve working conditions for staff.

A consultation in March 2016 with young people found the majority who responded did not visit council youth centres but felt it was "important they remain open, suggesting that the current youth offer isn't attractive enough for young people, but that it is important services are re-designed in such a way that they are relevant and accessible. Under the redesign targeted outreach/detached workers will still be accessible and some buildings will become Family Hubs. (Early Help Team bases with staff co-located with social care and health partners and delivery points for the 0-19 offer).

Comparison data for Q1 2016 and Q1 2017 shows:

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- Recorded attendances at Youth Centres overall have dropped from 3381 to 1735 (Approximately a 48% reduction).
- **AGE:** In Q1 2016, 16 year olds were the largest group of attendees at 17.5%, whilst in 2017 13 year olds were the largest group at 26.4%.
- **Gender:** Males form the largest group at 59.4% for Q1 in 2016, reducing slightly for Q1 2017 to 54.4%
- **Ethnicity:** 6.5% of all attendees were BME in Q1 2016, rising slightly in Q1 2017 to 10.3%
- In Q1 2016; 27.3% of attendances were recorded as detached work (non-building based).
- In Q1 2017; 24.3% of attendances were recorded as detached work.
- In Q1 2016; 53.9% of attendances were open access sessions.
- In Q1 2017; 55.9% of attendances were open access sessions.
- In Q1 2016; 18.8% of attendances were recorded as targeted sessions.
- In Q1 2017; 19.9% of attendances were recorded as targeted sessions.

Feedback Summary: Staff

A 30-day staff consultation commenced on the 8th June. All Early Help staff received formal communication via letter of consultation events and were offered individual support on request through Human Resources (HR) and Early Help managers. Trade Unions were regularly updated through meetings with the Senior Director for Early Help and attended all staff consultation meetings.

Three informal talk back sessions were held with Early Help staff in April in tandem with the public consultation. Eight formal staff consultation meetings were then held in June to discuss the implementation proposals in more detail.

103 staff engaged in talkback sessions and 233 attended formal staff consultation meetings.

133 questions were submitted by staff in relation to the proposals.

The majority of staff were supportive of the proposals, seeking clarity on more technical issues relating to job descriptions and implementation timelines.

Some staff expressed concerns of possible 'de-skilling' of a specific specialisms, whilst others welcomed the opportunity to widen their skills and knowledge through the expanded job roles.

Feedback Summary: Service users, partners

The initial 60 day public consultation was delivered through 17 public and partner events across the borough including bespoke sessions in the centres and buildings in scope and presentations at strategic fora. Details of meetings are outlined in this appendix. All schools were informed by email of the events and were offered the opportunity to attend an event or engage in the online consultation.

In total 276 individuals or agencies participated in the Public and Partner consultation

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process through the following methods:

Partner /Public Activity	Numbers Participating
On-line consultation	164
Youth consultation	47
Public events	65
Existing Fora	4 meetings attended
Email	4 partner responses
Correspondence from MP's	1

122 adults and 113 parents

116 (95%) were Rotherham residents

13 (10.6%) had a disability

77 parents (63%) said that they would travel between one and ten miles to access provision for 0-5 years

35 parents (31%) said that they would travel between one and ten miles to access provision for children plus five years

27 (24%) of parents said they would be willing and able to pay to access early help services

70 parents (62%) said they would be willing to pay (dependent on cost)

Parents valued the Children's Centre offer particularly weaning and feeding advice, Health Visitor weigh-in, baby clinics, health advice, drop-in sessions and parenting programmes

Themes;

- Strong support for locally based centres and the need for low cost, or no cost activities
- Greater clarity required on the differences between a Children Centre (physical building) and delivery of a 'Children Centre Offer'
- Schools rated the Early Help Offer highly
- Schools spoke highly of the support that they receive from Early Help
- Strong support from young people and youth workers for retaining a discrete 'Group Work Offer' for young people from vulnerable groups

Feedback Summary: Young People

Findings from the children and young people who responded to the Youth Survey indicated that;

18 (38%) were aware of services offered

29 (62%) were not aware of services provided

11 (24%) said that they were accessing youth provision.

21 (44%) of young people said that they had never accessed any RMBC youth provision

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Does your Policy/Service present any problems or barriers to communities or Group?

Proposed move towards a more targeted service for those in need of early help, it is not envisaged that the service will present any barriers to communities and groups.

Accessibility, physical and geographical will be considered as part of the consultation process. This will continue to be carefully monitored by the service.

Does the Service/Policy provide any improvements/remove barriers?

Early Help services are not delivered in isolation and the Early Help Strategy 2016-19 emphasises the importance of developing partnerships with wider services across the Council and key partners and agencies to achieve greater synergy and further efficiencies (e.g. buildings, workforce, information sharing, systems and processes). This process began in Phase One with the co-production of the Early Help Offer, Request for Support and the Early Help Assessment.

What affect will the Policy/Service have on community relations? Identify by protected characteristics

A = Age, C= Carers D= Disability, G = Gender, GI Gender Identity, O= other groups, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage.

The Early Help Strategy 2016-19 will ensure that the service continues to work with the specific specified groups identified through the Protected Characteristics. Anticipated Impact will be low.

A: Staff

Early Help Workforce By Age Range: January 2018				
FTE	16 to 24	25 to 39	40 to 49	Over 50
235.10	3.65%	35.56%	29.48%	31.31%

Staff in the main were supportive of the need for a 0-19 approach to delivery and in full agreement with regarding implementing an equitable pay structure. The range of roles within teams provided opportunities for staff members to share and develop skills.

The proposed management structure was felt to be top heavy and concerns were raised about what was seen as the removal of distinct professional roles (e.g. youth work). It was felt that outreach work was not the same as detached work.

Staff queried the differentiation between Band F and Band G job descriptions and the Band H roles within the YOT.

Questions were also raised about part time working and flexible working and how this would be articulated within the new structure.

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A: Service Users

Young people are likely to experience limited or no reductions in service provision as a result of reconfiguration in 18/19 and 19/20. This is most likely to take the form of less universal (open access) youth work sessions in each locality.

The Service will maintain a commitment to the Voice and Influence of young people, and this will be a locality responsibility in future.

The Service will continue to adhere to the principles of engaging young people and is committed to ensuring young people have a say in the future of the service, as illustrated by the continuation of the young inspectors programme.

Services will still be maintained and accessible in all the locality areas of Rotherham, with the potential to increase provision by working with partners/local communities. In addition services will be local and therefore more accessible to the different community groups within Rotherham.

The service retains a statutory commitment for learning difficulties and disability up to the age of 25. Provision for this group will be more localised and targeted which may offset any reductions in frequency. The service will continue to maintain positive experiences and opportunities for those with disability.

Comments from the public consultation showed strong support for locally based services, but concerns about distance to be travelled and outreach services. Further clarification was required when concerns were raised that centres are closing rather than continuing to deliver and offer services within the community or through SLA's and alternative building management arrangements through asset transfers. More specifically, concerns were expressed about services running from Maltby Lynx and how these will continue via a service level agreement with the school.

Although only 29% of young people responding said they had accessed youth activities the majority of these rated activities as good or excellent. Concerns were also expressed about delivery from Maltby Lynx in relation to young people with Autism. The provision of youth activities in Kiveton was also raised.

Partners favoured the Early Help model. Schools reported strong working relationships with Early Help and thought the model identified students with needs sooner enabling positive support to children and families before problems developed further. All agencies agreed that interagency working and communication had improved.

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D:

8.01% of the Early Help workforce has identified themselves as having a disability.

The public and youth consultation were concerned that a service level agreement may not be sufficient to maintain sessions at Maltby Lynx for disabilities and autism. The staff consultation raised a question that a more generic working model may restrict support to

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specific groups including learning difficulties

R/E:

The total BME of the early Help workforce for January 2018 is 4.82%.

The service is committed to working with equality and diversity and the snapshot evidences this. The Service will continue to place a high priority on community cohesion and community relations. And in particular is looking to improve hate crime reporting. The service will continue to work in partnership with agencies and groups at a locality level to deliver interventions tailored to different ethnic groups, including new arrivals and refugees.

RoB:

The Service has a strong commitment to respecting religion or belief, where these do not advocate harm to others, and a proven track record, (e.g. Children's centres, youth services). In celebrating with young people and others those beliefs that are relevant to communities in

Rotherham. This will continue to be the case and will not change as a result of the proposals.

PM:

Sexual Health services and clinics for young people will continue. Young people for whom there are associated risks either to themselves or their babies, (e.g. CSE, potential neglect,

drug use), will continue to receive a service either directly from Early Help or jointly with Social Care. Where there is little or no associated risk and young people have other support in the community then services will reduce.

CPM:

Analysis suggests that there will be a low impact from Early Help services with this group.

G:

It is likely that some universal group work delivered to groups of young men and women will no longer be available. However, assessments of service users will define interventions and this will involve specific delivery (group work or individual) for identified gender needs. Project work such as sexual health clinics will continue.

GI/SO:

Young people who identify as LGBT are likely to have specific needs and to therefore fall within the remit of targeted early help provision. A service will therefore continue to be offered to this group but models of delivery may change. This group is one of those that are most likely to experience prejudice, discrimination and hate crime. Targeted provision will assist in promoting community relations.

As noted above the staff consultation raised a question that a more generic working model may restrict support to specific group, learning disabilities, those not in education or training, 0-5, and LGBT

O:

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In respect of other groups and specifically the older generation the Service does not specifically engage or target them unless it is part of an intervention (whole Family Working) within the scope of the service. Young people can often be perceived by older generations to be disrespectful and at worst engaging in antisocial behaviour Work has been done to present young people in a more positive light to older people and this will continue. The current relationships with local for and will continue to be maintained, and the service will seek to promote positive community relations between generations.

For other socio economic factors that may impact disparately on Rotherham's communities, the ambition of the service in conjunction with partners is to work to a Rotherham Family Model.

- This combines three methodological approaches; 'Signs of Safety' 'Restorative Practice' and Social Pedagogy which have common principles that are grounded in relationship based practice. This includes placing high emphasis on the nature and style of communication and promotes the importance of producing simple, solution focused plans that appropriately meet need to achieve tangible change. Both methodologies promote the value base that sustainable change is most likely to be achieved when families are empowered to find their own solutions to the issues that they face. This is reinforced by placing high support, as well as high challenge, at the centre of practice and emphasises risk, as well as strengths, to enable families to 'own' their plan and understand what is needed to produce strong outcomes for children and the wider family.

The staff consultation recognised that the training opportunities within this approach are providing a baseline for a consistent family centred approach.

Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

Website Key Findings Summary: To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

Equality Analysis Action Plan - See page 9 of guidance step 6 and 7

Time Period April 2018 –February 2019

Manager: David McWilliams Service Area: Early Help

Title of Equality Analysis:

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

Action/Target	State Protected Characteristics (A,D,RE,RoB,G,GI O, SO, PM,CPM, C or All)*	Target date (MM/YY)
ACTION: Consultation with Children, Young People and Families. TARGET: Presentation and meetings will take place from April 2018.	All	Public consultation: 9th April – 7th June. Staff consultation: 8th June – 8th July.
ACTION: Ensure services remain accessible to those most in need. TARGET: Continue to report on performance data via early help dashboard TARGET: Development of evidence based interventions and impact measurement	All	Monthly
ACTION: Response to tensions within communities	All	March 2019

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TARGET: To ensure all agencies are proactive in supporting the work of the Early Help Service			
TARGET: Attendance at CIMs – proactive response to community issues. (e.g. operations KeepSafe and Scorpio)			
ACTION: Mitigate reductions in youth service provision / Children Centres		All	March 2019
TARGET: Early Help locality Managers to develop and explore partnership alternatives for open access provision.			
ACTION: Maintain the annual programme of events that raise awareness, and educate and bring people from different groups together.		All	March 2019
Promote community cohesion and One Town, One Community			
TARGET: Locality teams to promote specific themes			
Name Of Director who approved Plan		Date	

*A = Age, C= Carers D= Disability, S = Sex, GR Gender Reassignment, O= other groups, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage.

Website Summary – Please complete for publishing on our website and append to any reports to Elected Members SLT or Directorate Management Teams

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

<p>Directorate: CYPS</p> <p>Function, policy or proposal name: Early Help Strategy</p> <p>Function or policy status: New</p> <p>Name of lead officer completing the assessment:</p> <p>David McWilliams</p> <p>Date of assessment: January 2018</p>	<p>Additional information that might be added could include:</p> <ul style="list-style-type: none"> • Information on investment and resources Clarification of how Children's Centres fit into the Early Help offer • How does this link to voluntary sector? Time frames for interventions to start • How does health fit in? In particularly, are there clear links to CAMHS and End of Life Services? • How will early help support transition from children's to adult services? <p>Early Help services in Rotherham requires a shift in emphasis from open access, universal provision to targeted interventions.</p> <p>Following Public, Partner, Youth, and Staff consultations there is broad acceptance of the Early Help model</p> <p>se issues. A number of issues were identified around capacity, availability and suitability of service, changes in role and support for vulnerable young people. Within TRFT an increase in safeguarding means the service has difficulty in completing Early Help assessments</p>	<p>To ensure the Early Help offer is outcome focused and developed in partnership with partners, service users and wider services across the Council to achieve synergy and further efficiencies (e.g. buildings, workforce, partnerships, shared systems and processes).</p>
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RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

	<p>Concerns have been expressed about specific buildings and specific groups, and the deregistration of some building has been associated with closure. Further reassurance is required on these issues.</p> <p>For partners a number of issues were identified around capacity, availability and suitability of service, changes in role and support for vulnerable young people. Within TRFT an increase in safeguarding means the service has difficulty in completing Early Help assessments</p> <p>Staff raised the issue of whether generic models may impact on specific groups and required clarification in relation to F, G, and H Banding.</p> <p>Part time/flexible working</p>	<p>Discussion with school and with specific groups to reassure or clarify continuation of provision for specific groups within the SLA</p> <p>Reassurance/explanation to specific communities regarding deregistration and how services will continue to be provided</p> <p>Reassurance to partners</p> <p>To be considered by SLT and incorporated into final document</p> <p>Will be considered by SLT/HR and incorporated into final arrangements for the process of reorganising staff.</p>
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APPENDIX D

Guiding Principles



Proud to work with Rotherham's
children • young people • families

The guiding principles of the Early Help Strategy consultation are:

- To build on what's working well
- To embed whole family working (one family, one worker, one plan)
- To address the current inequities in roles, responsibilities and remuneration
- To support integrated locality working and the Thriving Neighbourhoods programme
- To work restoratively with a culture of continuous improvement and excellence
- To deliver value for money and our approved savings
- To seek savings through reducing the management structure
- To ensure there are clear lines of responsibility and clear progression routes
- To invest in workforce development
- To enable flexible working with high quality and affordable delivery points (Places to go and things to do)

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Children Centre's Offer 2018



	North Locality			Central Locality			South Locality					
	Swinton Brookfield	Rawmarsh	Thrybergh & Dalton	Rotherham Central	Coleridge	Arnold Centre	Maltby Stepping Stones	Dinnington	Aughton Early Years	Wath Victoria	Park View Kimberworth	Broom Valley
Safeguarding												
• Parenting Training	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Parenting Support	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Improving school readiness												
• Stay & Play (0-5 years)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Speech & language Support	✓	✓	✗	✓	✗	✓	✓	✓	✓	✓	✓	✗
Improving breastfeeding rates and length of time breastfeeding												
• Breastfeeding Support	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Improving child development												
• Baby Clinic	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Baby Play Group (0-1 years)	✓	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓
• Baby Massage	✓	✗	✓	✓	✗	✓	✓	✓	✓	✗	✓	✓
• Health assessments	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✗	✗
Reduce smoking (in pregnancy & at time of delivery)												
• 1 to 1 support	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Reduction in excess weight in 4-5 years olds												
• Physical activities	✓	✓	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Improving diet												
• Introduction to solid foods	✓	✓	✓	✗	✓	✓	✓	✓	✓	✗	✗	✗
Reducing tooth decay in children aged 5 years												
• Promoting dental health	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet – 22 October 2018

Report Title

Modern Slavery Update and Transparency Statement

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author(s)

Sam Barstow, Head of Community Safety, Resilience and Emergency Planning
07748143370 or sam.barstow@rotherham.gov.uk

Ward(s) Affected

All

Summary

This report provides a brief overview of planned activity in relation to modern slavery for the financial year 2018/19. This report also provides a draft statement for publication in line with the requirements laid down by the Modern Slavery Act 2015.

Recommendations

1. That the report be noted.
2. That the Draft Transparency Statement at Appendix 1 be approved for publication.

List of Appendices Included

Appendix 1 Modern Slavery Act 2015 – Draft Transparency Statement

Background Papers

Transparency in Supply Chains etc a Practical Guide [Guidance issued under section 54(9) of the Modern Slavery Act 2015]

Tackling Modern Slavery – A Council Guide [Local Government Association, 2017]

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 17 October 2018

Council Approval Required

No

Exempt from the Press and Public

No

Modern Slavery Update and Transparency Statement

1. Recommendations

- 1.1 That the report be noted.
- 1.2 That the Draft Transparency Statement at Appendix 1 be approved for publication.

2. Background

- 2.1 At a meeting of the Council on 25 July 2018, a motion containing the following commitments was debated and agreed by Council:

- That the Co-operative Party's Charter against Modern Slavery be adopted to ensure that the Council's practices do not support slavery.
- That the Corporate Procurement Team be trained to understand modern slavery issues through the Chartered Institute of Procurement and Supplies (CIPS) online course on Ethical Procurement and Supply.
- That contractors be required to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- That any abnormally low-cost tenders should be challenged, to ensure that they do not rely upon the potential contractor practising modern slavery.
- That suppliers be advised that contracted workers are free to join a Trade Union and should not be treated unfairly for belonging to one.
- That the whistleblowing system, to enable staff to blow the whistle on any suspected examples of modern slavery, be publicised.
- That tendered contractors be required to adopt a whistleblowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- That contractual spending be reviewed regularly to identify any potential issues with modern slavery.
- That suppliers be advised of any risk identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- That any contractor who is identified as a cause for concern regarding modern slavery be referred for investigation via the National Crime Agency's national referral mechanism.
- That a report on the implementation of this policy be published annually

3. Transparency Statement

- 3.1 In July of 2018, the Council produced an interim statement, which was published on its website, in accordance with the Modern Slavery Act 2015. Following further internal work to strengthen process and the commitments set out above, a more detailed statement for the financial year 2018/19 has been drafted. This is attached at Appendix A.
- 3.2 This document seeks to describe the Council's commitment to transparency in its supply chain. It furthermore recognises the Council's unique role as a public body and makes further commitments in this regard. The Statement also seeks to capture the commitments made by the Council, over and above legal duties, and the Council's commitment to delivery of those ambitions. The statement also introduces the requirement for annual reporting.
- 3.3 In noting our progress so far, the document highlights: the inclusion of training during safeguarding awareness week; the start of developing a consistent training offer within the Council; the identification of at risk industries; increasing information and intelligence flow and; establishing greater links with procurement/commissioning in relation to the issue and; the inclusion of Modern Slavery explicitly with the Council's Whistleblowing Policy.

4. Key Actions

- 4.1 Training will be carried out for relevant procurement staff. A further report is being prepared for the Strategic Leadership Team in relation to awareness raising in this area.
- 4.2 To support commissioning and procurement colleagues, together with contract managers, guidance will be developed in relation to at risk industries, how to access information, what to look for and where to go for advice. Work will also be carried out to explore standard relevant clauses alongside tightening tender specifications.
- 4.3 Aside from works, goods and services, the Council will continue to develop its operational functions to be alert to this type of crime and be proactive in identifying it wherever possible.
- 4.4 Key activity will focus on highlighting key areas of risk and embedding into people's thinking in relation to broader safeguarding and into the Council's wider safeguarding activity in relation to awareness raising and regular briefings.
- 4.5 The Council will seek to continue to develop its spend analysis activity where it relates to Modern Slavery. A free tool has been identified and is being utilised which is government funded and provides relevant information at a corporate level in respect of compliance with the Modern Slavery Act.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The statement (contained at Appendix 1) will be published within 5 working days following the decision of the Cabinet.

- 5.2 Aside from the actions outlined above for further consideration, the remainder are anticipated to be completed by April 2019. This will align with an annual refresh of the statement, an annual update and the development of our actions for the year ahead, which will be captured in a further revised statement.

6. Financial and Procurement Implications

- 6.1 This report already outlines the implications for procurement, which are predominantly focussed on changes to working practices and early pre-procurement considerations. The Procurement and Community Safety Services will jointly agree and review these working practices to ensure the Council is in a position to evidence its achievements against the Charter and transparency statement. This will involve some additional training which will be contained within existing budgets.

7. Legal Implications

- 7.1 The Modern Slavery Act 2015 requires commercial organisations to prepare a slavery and human trafficking statement for each financial year. The statement must set out the steps which the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains or in any part of its own business, or confirm that the organisation has taken no such steps.
- 7.2 Councils currently do not appear to be covered by the definition of commercial organisations and so would be under no legal obligation to publish statements on compliance with the 2015 Act. However, the Local Government Association have reported that a growing number of councils (now approaching one in five) have demonstrated awareness and ethical leadership by having voluntarily published statements. The Modern Slavery (Transparency in Supply Chains) Bill, which had its first reading in the House of Lords in July 2017, would amend the Act to include “public authorities” as falling definitively within the scope of those organisations required to publish statements. Although that is a private members’ bill, the indications are that the government support the proposal and might introduce its own Bill on a similar basis.
- 7.3 Statements may also include information about
- 7.3.1 the organisation's structure, its business and its supply chains;
 - 7.3.2 its policies in relation to slavery and human trafficking;
 - 7.3.3 its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
 - 7.3.4 the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;

7.3.5 its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;

7.3.6 the training about slavery and human trafficking available to its staff

8. Human Resources Implications

8.1 There are no Human Resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 This work seeks to enhance the Council's current efforts in relation to the protection of vulnerable individuals where Modern Slavery is concerned.

10. Risks and Mitigation

10.1 This report and the work contained within follow a decision by Council to adopt the charter and its principles and therefore no alternatives have been considered.

11. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene
Sam Barstow, Head of Community Safety, Resilience and Emergency Planning

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Julie Copley	24.09.2018
Assistant Director of Legal Services	Dermot Pearson	02.10.2018
Head of Procurement (if appropriate)	Karen Middlebrook	21.09.2018
Head of Human Resources (if appropriate)	John Crutchley	21.09.2018

Report Author: Sam Barstow Head of Community Safety

This report is published on the Council's website or can be found at:-
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Rotherham Metropolitan Borough Council

Modern Slavery Act 2015 -Transparency Statement

INTRODUCTION

This statement sets out the Council's actions to understand and respond to risks relating to modern slavery. The statement has been drafted with broad acknowledgment of the wide ranging role of the Council from front line staff regulating business or visiting homes through to our commissioning and procurement of works, goods or services and management of contracts.

Modern slavery can take many forms and present in many ways. Our approach to this issue is embedded within our safeguarding policy and practice and the Council will focus throughout the year on raising awareness, strengthening processes and improving our commissioning, procurement and contract management specifically in relation to Modern Slavery.

This is the Council's first transparency statement in relation to modern slavery and is relevant for the financial year 2018/19. An annual progress report will be published on our website, alongside a revised statement at the start of the financial year 2019/20.

OUR COMMITMENT

The Council recognises that it has a responsibility to take a robust approach to slavery and human trafficking. In addition to the Council's responsibility as an employer, it also acknowledges its duty as a Council to notify the Secretary of State of suspected victims of slavery or human trafficking as introduced by section 52 of the Modern Slavery Act 2015. In order to support this requirement, the Council will ensure all staff are suitably trained to spot the signs and pass on relevant information for referral, monitoring numbers regularly. The Council currently has processes and procedures as a part of its Safeguarding Policy and work will be undertaken to further raise awareness of these processes.

The Council is committed to preventing slavery and human trafficking in its corporate activities and to ensuring that its supply chains are free from slavery and human trafficking. This is managed by officers being made aware of the potential for modern slavery risks through awareness raising and appropriate briefings, alongside establishing robust assurance. When commissioning and procuring works, goods or services, Officers will aim to ensure that, as part of developing the tender and the

ongoing monitoring and management, they consider the potential and likelihood of modern slavery. Where the potential of likelihood is deemed high, Officers will seek to develop a clear understanding of the supplier's supply chain arrangements.

The Councils clear commitment is as follows;

- That the Co-operative Party's Charter against Modern Slavery be adopted to ensure that our practices don't support slavery.
- That the Corporate Procurement Team be trained to understand modern slavery through the Chartered Institute of Procurement and Supplies (CIPS) online course on Ethical Procurement and Supply.
- That contractors be required to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- That any abnormally low-cost tender be challenged to ensure that they do not rely upon the potential contractor practising modern slavery.
- That suppliers be advised that contracted workers are free to join a trade union and should not be treated unfairly for belonging to one.
- That the whistleblowing system for staff to blow the whistle on any suspected examples of modern slavery be publicised.
- That tendered contractors be required to adopt a whistleblowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
- That contractual spending be reviewed regularly to identify any potential issues with modern slavery.
- That suppliers be advised of any risk identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- That any contractor who is identified as a cause for concern regarding modern slavery be referred for investigation via the National Crime Agency's national referral mechanism.
- That a report on the implementation of this policy be published annually

The Council has publicly committed to adopt the Co-Operative party Charter Against Modern Slavery, details of which can be found on the following link: [Modern Slavery Charter](#).

OUR BUSINESS AND SUPPLY CHAIN

The Council serves a population of 257,280 residents. It is a large employer with around 6,500 staff who undertake a wide variety of roles and have a variety of interactions with the public and businesses. Council staff are free to join trade unions.

The Council spends in excess of £240m per annum with third party suppliers on a wide scope of works, goods and services ranging from catering through to care and construction. In the main these suppliers are based in the UK, with less than 1% of suppliers based outside of the UK. The commissioning and management of contracts occur across all departments within the Council and can vary significantly in value. A central procurement team ensures professional support and advice to the process. Whilst the procurement of larger contracts is robust in respect of modern slavery, further work needs to be undertaken to strengthen work relating to contracts of small financial value.

OUR POLICIES

Modern slavery is clearly embedded within Safeguarding practice at the Council.

Copies of the relevant policy relating to adults can be found on the following link: [Modern Slavery - Safeguarding Adults](#).

The equivalent Policy in relation to Safeguarding children can be found on the following link: [Modern Slavery - Safeguarding Children](#)

The Council's whistleblowing policy is available on the following link: [RMBC Whistleblowing and Serious Misconduct Policy](#)

OUR GOVERNANCE AND DUE DILIGENCE APPROACH

As a public body the Council works with various statutory and non-statutory agencies around issues of local and national concern such as Modern Slavery. The Council will ensure that it engages with partners locally and regionally in order to strengthen

our collective understanding, and to make efforts to combat Modern Slavery in all its forms.

Internally, our Strategic Leadership Team, led by the Chief Executive, will ensure operational delivery in line with the commitments made within this statement, and further scrutiny will be provided by the Councils Political Leadership, through its Cabinet. This issue may be subject to detailed scrutiny at the direction of the Chair of the relevant Select Commission.

Raising awareness of our policies and procedures, alongside detailed training where required, will strengthen the Councils diligence in respect of Modern Slavery linked to procurement of goods and services, alongside wider contract management.

WHAT HAVE WE DONE

Efforts have been made to raise awareness not just within the Council but across wider partners and the public, through the inclusion of sessions and information as a part of Safeguarding Awareness week in 2018. Training is in place amongst safeguarding professionals. Officers are seeking to procure or develop an e-learning module aimed at raising awareness which can be offered to all staff.

A public commitment has been made, by the Council, to achieve the standards laid out within the Co-Operative party Charter against Modern Slavery.

Clear officer leadership has been assigned to this area of business and an internal task and finish group has been established to support implementation of the commitment to the charter, alongside strengthening our broader engagement with tackling Modern Slavery through direct delivery functions.

Officers have established operational links to increase the flow of intelligence, information and support to statutory partners and specialist officers. Reporting figures will also begin to be monitored and compared to areas of a similar nature to benchmark our services.

The Council has made explicit reference to Modern Slavery within our Whistleblowing Policy, which will be communicate to staff. The Council will also work with its suppliers to ensure they do the same.

WHAT DO WE NEED TO DO

Over the year ahead the Council will roll out training/briefings to staff, as appropriate, focussed on how to spot the potential signs of slavery and who to talk to. Enhanced training will continue to be made available to relevant front line and managerial staff, alongside specific training and/or briefings for procurement staff, commissioning staff and contract staff. Full compliance in respect of training needs is anticipated by the end of the financial year 2018/19.

The Council will develop detailed guidance relating to how relevant staff can identify risks within supply chains or the provision of services and know where to seek advice. The Council will also ensure support is provided to contract managers who need to continue oversight of contractors in relation to Modern Slavery and this will include information around issues such as whistleblowing policies and trade union membership.

This statement should be read in conjunction with the Modern Slavery Act 2015¹ and the National Referral Mechanism².

Signed

Leader of the Council

Chief Executive

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Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet – 22 October 2018

Report Title

Amendment to Rotherham Metropolitan Borough Council General Enforcement Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report authors:

Alan Pogorzelec, Licensing Manager

01709 254955 or alan.pogorzelec@rotherham.gov.uk

Lewis Coates, Head of Service – Regulation and Enforcement

01709 823117 or lewis.coates@rotherham.gov.uk

Ward(s) Affected

All

Executive Summary

The Council has had an adopted General Enforcement Policy in place for a number of years. The Policy has been reviewed, and amendments made on a number of occasions, most recently in February 2018.

This report requests the approval of an amendment to the Policy clarifying the Council's position with regard to the surveillance of social media sites used by individuals and businesses within Rotherham.

Recommendations

1. That the proposed amendment to the General Enforcement Policy be considered and approval be given to undertake public consultation in respect of the proposed changes to the Policy.
2. That a further report be provided to Cabinet in spring 2019 for consideration following public consultation.

List of Appendices Included

Appendix 1 The proposed amended Rotherham Metropolitan Borough Council General Enforcement Policy (July 2018)

Background Papers

Home Office Code of Practice Covert Surveillance and Property Interference (August 2018).

Rotherham Metropolitan Borough Council RIPA Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 17 October 2018

Council Approval Required

No

Exempt from the Press and Public

No

Amendment to Rotherham Metropolitan Borough Council General Enforcement Policy

1. Recommendations

- 1.1 That the proposed amendment to the General Enforcement Policy be considered and approval be given to undertake public consultation in respect of the proposed changes to the Policy.
- 1.2 That a further report be provided to Cabinet in spring 2019 for consideration following public consultation.

2. Background

- 2.1 The Department for Business Innovation and Skills: Better Regulation Delivery Office's, Regulator's Code of April 2014 is a statutory guidance document that Councils must have regard to when developing policies and operational procedures that guide some of their regulatory activities. This applies to the Council's current General Enforcement Policy in relation to its regulatory and enforcement functions.
- 2.2 The General Enforcement Policy is underpinned by the statutory principles of good regulation, but also ensures the priority of protecting the public.
- 2.3 The Policy sets out the principles of transparency, consistency and proportionality to which the Council will adhere in its discharge of enforcement and regulatory functions.
- 2.4 The current General Enforcement Policy was reviewed in 2014/15 in accordance with the then new Regulators' Code. Following consultation, the new General Enforcement Policy was approved and adopted by Commissioner Ney on 3rd June 2015.
- 2.5 The policy was amended in September 2016 to include provisions for monetary penalties following on from legislative changes. The Policy was amended again in March 2017 to reflect structural changes within the service, the return of functions to the Council from Commissioners, and procedural changes regarding enforcement practices. At the Cabinet Member and Commissioner's Decision Making Meeting in February 2018 further amendments to the Policy were made in relation to the introduction of further monetary penalties and the Council's Policy in this respect.

3. Key Issues

- 3.1 The use of social media sites by individuals and businesses in Rotherham is now widespread. Over recent months however, it has become apparent that some sites are being used for illegitimate purposes by rogue individuals and traders, in particular in relation to fly-tipping, and illegal and counterfeit goods.
- 3.2 Social media, despite being in the public domain, does not mean that rules around covert surveillance do not apply. Where information is made publicly available on social media platforms, logic would suggest that a reduced expectation of privacy would follow, where information relating to a person or

group of people is made openly available within the public domain. However in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.¹

- 3.3 In order to ensure the effective regulation of these individuals and traders, it is considered both necessary and appropriate to undertake proportionate surveillance of their activities on social media sites. In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject knowing that the surveillance is or may be taking place.²
- 3.4 As this surveillance constitutes enforcement activity, it is appropriate for this to be included within the General Enforcement Policy. Indeed, it is paramount that the Council is transparent in its approach to any potential investigation.
- 3.5 It is therefore proposed to amend Section 7 of the General Enforcement Policy to include reference to the Council undertaking surveillance within the powers and obligations available, in order to prevent and detect crime.
- 3.6 Whilst the proposed amendment will ensure that the Council is open about its investigatory methods, it will also provide the public and businesses with reassurance that surveillance of social media will only be undertaken within the appropriate legal frameworks.
- 3.7 There is a general perception that surveillance by regulatory authorities (including local councils) is by its very nature intrusive. Undertaking surveillance is therefore a potentially controversial method of detecting crime, and consequently it is only proper that permission is sought to explore the option.
- 3.8 Given that the proposed introduction of social media surveillance as a regulatory and enforcement tool is a significant Policy change, it is considered appropriate within the terms of the *Regulator's Code* and the General Enforcement Policy, that the public should be consulted and responses considered prior to adoption.
- 3.9 In order to ensure that the Council only undertakes surveillance of social media within the legal framework, an investigatory procedure will be developed in close liaison with Legal Services prior to any surveillance taking place.

4. Options considered and recommended proposal

- 4.1 Option 1 – the Council does not amend the General Enforcement Policy to include reference to social media surveillance.

The Council is not required to conduct surveillance of social media sites and consequently need not decide to consult the public in relation to the proposed

¹ Home Office Code of Practice Covert Surveillance and Property Interference (August 2018), p19

² Home Office Code of Practice Covert Surveillance and Property Interference (August 2018), p19

amendment to the General Enforcement Policy. This is likely to put the Council at a disadvantage given that social media is increasingly used to sell illegal and counterfeit goods, whilst also providing a degree of anonymity to organised fly-tipping. Without the ability for the Council to conduct surveillance of social media, the Council will be unable to robustly undertake enforcement activities on those who use this mechanism to undertake criminal activities.

4.2 Option 2 – the recommended option - the Council amends the General Enforcement Policy to include reference to social media surveillance.

The Council agree to the use of social media investigatory techniques to aid in the prevention and detection of crime, and so seek to consult the public on the matter. This will allow the Council, subject to responses, to adopt an amended Policy which ensures that capability is provided to tackle modern opportunities for crime, often at the expense of the public and business. It would be recommended that Section 7 of the General Enforcement Policy includes the following text:

“Covert Surveillance, Including the Use and Surveillance of Social Media

7.17 One of the enforcement tools available to public bodies such as the Council is the ability in certain circumstances to:

- (i) Carry out the directed surveillance - this is surveillance that:*
 - is covert;*
 - conducted for the purposes of a specific investigation or operation;*
 - is likely to result in the obtaining of private information about a person; and*
 - is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable to seek a court authorisation.*
- (ii) Make use of a covert human intelligence source (CHIS), which is a person who:*
 - establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of the following;*
 - covertly uses such a relationship to obtain information or to provide access to any information to another person; or*
 - covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.*

The use of these powers is covered by the Regulation of Investigatory Powers Act 2000 (RIPA). The Council will only do this when it is necessary and proportionate to do so to prevent and detect serious crime, is in accordance with the Council’s RIPA Policy and is authorised by the Court. The Council’s RIPA Policy can be viewed here:

<http://rmbcintranet/Directorates/FCS/Legal%20and%20Democratic/Our%20Key%20Documents/RIPA%20Policy%202018%20-%20Appendix%20A.doc>

7.18 *The internet and social media provide a range of benefits and opportunities to individuals and businesses, and the vast majority of individuals use such opportunities for legitimate purposes.*

7.19 *However, Rotherham MBC recognises that social media sites in particular can provide the opportunity for rogue businesses and / or individuals to exploit consumers and avoid traditional approaches to regulation (such as premises inspections). Rotherham MBC therefore considers that in undertaking its enforcement duties, in certain circumstances, authorised officers may be required to undertake reconnaissance and/or surveillance of social media sites / profiles and other websites in order to effectively enforce the relevant statutory requirements.*

7.20 *Simple reconnaissance of such sites is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation under RIPA. However, if it is necessary to systematically collect and record information about a particular person or group, a directed surveillance should be considered.*

7.21 *Investigating officers will seek legal advice where necessary and always act in accordance with the Council's RIPA Policy and appropriate guidance issued by the Home Office and Regulator. Where it is deemed that a directed surveillance authorisation is required, it will be obtained by the investigating officer before the surveillance / monitoring of social media sites takes place, in accordance with written departmental procedures. Such authorisation will ensure as far as possible that authorised officers act lawfully and in a fair and transparent manner."*

5. Consultation

- 5.1 Section 2.1 of the *Regulator's Code* states that, before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.
- 5.2 This will be achieved by way of consultation with local business representatives (for example the Chamber of Commerce), those that are governed by the policy requirements, and the general public.
- 5.3 The consultation period will commence following agreement of the approach by Cabinet on 22nd October 2018, and will be for a period of 8 weeks. All appropriate consultation methods will be used in order to ensure that the consultation is both effective and meaningful, this will include direct contact with business representative groups (such as the Chamber of Commerce), regulators affected by the policy and members of the public.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Public consultation will commence during November 2018, with a view to seeking final approval of the policy, subject to consultation responses, early 2019.

7. Financial and Procurement Implications

- 7.1 There are no financial or procurement implications directly associated with this report. The Council already has statutory powers to regulate business activity. However, this amendment to the policy will enable the Council to use social media surveillance as an investigative tool.
- 7.2 The cost of consultation will be met by the service.

8. Legal Implications

- 8.1 The Council has an established policy covering the use of the surveillance powers available to the Council under the Regulation of Investigatory Powers Act 2000 (RIPA). The Home Office Code of Practice for Covert Surveillance and Property Interference (August 2018) makes it clear that the growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information, which may assist them in preventing or detecting crime. It confirms it is important that public authorities are able to make full and lawful use of this information for their statutory purposes.
- 8.2 The Code of Practice states that much online material can be accessed by public authorities without the need to seek an authorisation for directed surveillance under RIPA, e.g. a preliminary examination with a view to establishing whether a site or its contents are of interest. However, where the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, an authorisation may be required under RIPA and officers should seek advice on individual investigations from Legal Services. The proposed amendments to the General Enforcement Policy ensure that the Policy is consistent with the requirements of RIPA and the Code of Practice.

9. Human Resources Implication

- 9.1 There are no HR implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no additional implications for Children, Young People or Vulnerable Adults. Children, Young People and Vulnerable Adults are at risk from rogue traders utilising social media and it is anticipated that undertaking surveillance of social media may contribute to bringing offenders to account.

11. Equalities and Human Rights Implications

- 11.1 There are no implications for equalities or human rights as the proposed amendment will be within existing legal frameworks.

12. Implications for Partners and Other Directorates

- 12.1 The proposed amendments to the General Enforcement Policy will have relevance to the regulatory and enforcement functions with the Regeneration and Environment Directorate. In particular those functions relating to Environmental Health, Trading Standards, Animal Health and Welfare, Licensing, Dog Control, Parking and Highways, enforcement and regulatory functions.
- 12.2 All of these services will be provided with the opportunity to comment on the proposed policy before its adoption as part of the general consultation process.
- 12.3 There are no implications anticipated for partners or other Directorates.

13. Risks and Mitigation

- 13.1 The Regulator's Code, implemented locally by the General Enforcement Policy, is a statutory guidance document, and failure to comply with its requirements presents the risk of the Council being in contravention of its statutory duties.
- 13.2 Failure to discharge its regulatory function may compromise public safety.
- 13.3 Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation and growth agenda might be at risk.
- 13.4 The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services; this is because their regulatory statutory powers are not scheduled with Part 3 of the 2007 Order. The extant list of regulations covered by the Regulators' Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

14. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene
Damien Wilson, Strategic Director of Regeneration and Environment

Approvals obtained from:-

	Named Officer	Date
Strategic Director of Finance and Customer Services	Julie Copley	24.09.2018
Assistant Director of Legal Services	Neil Concannon	24.09.2018
Head of Procurement (if appropriate)	Karen Middlebrook	16.07.2018
Head of Human Resources (if appropriate)	John Crutchley	16.07.2018

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<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Rotherham Metropolitan Borough Council

General Enforcement Policy

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1. Introduction

Rotherham Metropolitan Borough Council's approach to dealing with non-compliance

- 1.1 This document is the Enforcement Policy for Rotherham Metropolitan Borough Council (the 'Council'). It is based on the principles of transparency, consistency and proportionality and sets out the key principles under which officers will seek to achieve compliance with the legislation the Council enforces. The policy conforms to the Regulators' Code (Better Regulation Delivery Office [BRDO]) April 2014, and should be read in conjunction with any applicable service specific policies and procedures.
- 1.2 Our primary purpose is to ensure regulatory compliance and enforcement protects the public. To do this the Council will deliver efficient, targeted and proportionate regulatory services, focused through the assessment of risk, to provide a positive approach to those regulated and compliance.

- 1.3 The Council's Corporate Priorities are supported by providing protection from harm for individuals and the environment, enabling businesses to flourish without unnecessary burden of inspection and regulation, and improving the health and wellbeing of those within the Borough.
- 1.5 The Council and its officers will protect and maintain good standards and living conditions that impact on the neighbourhoods and work environments of all who live, work and visit Rotherham.
- 1.6 The Council is committed to good enforcement practice and adherence to the current legislation, guidance, and codes of practice, that influence the policy, (see [Appendix A](#)).
- 1.7 The Council will exercise our regulatory activities in a way which is:
- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
 - **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - **Consistent** – our advice to those regulated will be robust, reliable and similarly advice provided by others will be respected. Where circumstances are similar, a consistent, if possible, approach/action to other local authorities will be followed.
 - **Transparent** – those regulated will be advised appropriately so as to understand what is expected of them and what they can anticipate in return.
 - **Targeted** – resources will be focused on higher risk enterprises and activities, reflecting local need and national priorities.
- 1.8 The Council will avoid imposing unnecessary regulatory burdens. Policies, procedures and practices will consider supporting or enabling economic growth and consider the economic impacts and costs of compliance, with a view to improving confidence in compliance of those regulated and to encourage compliance.¹
- 1.9 The Council will ensure that regulatory officers have the necessary knowledge and skills to:
- Understand the principles of protecting the public;
 - Support those that they regulate;
 - Understand those they regulate;
 - Understand the statutory principles of good regulation and how activities are delivered in accordance with the Code.
- 1.10 This Enforcement Policy has been developed following review of the previous General Enforcement Policy in light of the new Regulators Code. Extensive consultation in the development of this Policy took place in January and

¹ Section 1.1, [Regulators' Code](#)

February 2015. Further consultation was undertaken following several amendments to the policy in August 2018.²

- 1.11 The Policy will be published on the internet together with service standards and function specific Enforcement Policies. It will be available in electronic or paper format upon request.

2. Purpose of the Policy

The General Enforcement Policy details Rotherham Council's policy in respect of its approach to dealing with non-compliance of regulatory and statutory provisions by businesses and members of the public.

- 2.1 In working to the Policy its purpose will ensure public protection, legal compliance and set the framework within which Officers of the Council will operate, enforce and ensure regulatory compliance.
- 2.2 All officers will have regard to this document when making enforcement decisions. Any departure from this policy must be exceptional, capable of justification and be fully considered by the Director of Service before a final decision is taken.
- 2.3 This provision shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where any exceptional conditions prevail, the Chief Executive may suspend any part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.³

3. Application of the Policy

Scope of the policy, and service areas referred to

- 3.1 This document sets out what business and others being regulated can expect from the Council's in terms of regulation, enforcement, and Council Officers.
- 3.2 The Enforcement Policy relates to those enforcement and regulatory functions discharged by the Council's Regeneration and Environment Directorates' Community Safety and Streetscene Service.
- 3.3 The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services. This is because their statutory powers are not scheduled within Part 3 of the 2007 order. The extant list of regulations covered by the Regulators' Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

² Section 2.1, [Regulators' Code](#) requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

³ Section 6.4, [Regulators' Code](#) requires regulators to have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

- 3.4 The Policy commits Council regulation and enforcement services to good enforcement practice and to effective procedures and clear policies.
- 3.5 Regulation and enforcement's primary function is to achieve regulatory compliance to protect the public, legitimate business, the environment and groups such as consumers and workers. The Council reserves the right to take enforcement action in some cases after compliance has been achieved if it is in the public interest to do so.
- 3.6 Where offences or potential offences are suspected, that are outside the legislative remit of this General Enforcement Policy, officers will refer the matter to the relevant Agency (including other Council services), and ensure that, through influence and/ or escalation, that the issues are thoroughly investigated and satisfactory feedback provided to the Council.
- 3.7 This Enforcement Policy is the overarching Enforcement Policy for the Council and each regulatory service covered will have function specific Enforcement Policies in place.

4. Our approach to dealing with non-compliance

- 4.1 The Council recognises that most businesses and individuals strive to comply with the law, however, firm action will be taken against those who flout the law or act irresponsibly. Particular focus will be given to circumstances where public safety is, or could be, compromised.
- 4.2 Those that deliberately or persistently fail to comply will be dealt with firmly by the Council.
- 4.3 Those regulated by the Council are able to request advice about matter of non-compliance without directly triggering enforcement action, where they show a willingness to resolve the non-compliance, unless the matter is so serious that enforcement action is deemed necessary.⁴
- 4.4 The Council will investigate all notifications/ complaints of non-compliance.
- 4.5 Where prior advice or guidance has been given the Council will carry out spot-check visits or re-visits to assess compliance, before considering further action.
- 4.6 Council officers and decision makers will carry out all enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers may exercise judgement in individual cases, the Council will have arrangements in place to promote consistency including liaison with other agencies and authorities.

⁴ Section 5.4, [Regulators' Code](#)

- 4.7 Formal enforcement action will generally only be considered and taken in the first instance in cases where individuals have:
- exposed the public or employees to unacceptable risk;
 - compromised the safety or welfare of the public or employees, environment or animal health;
 - sought to obtain an unfair commercial advantage;
 - been involved other activities that are considered to be so serious as to warrant formal action, **including immediate action (or action taken at the first possible safe opportunity).**
- 4.8 The Council will be accountable for the efficiency and effectiveness of our activities, while remaining independent in the decisions made.

Advice & Guidance

- 4.9 Where there is non-compliance, the Council will clearly explain the non-compliance and provide opportunity for discussion, to ensure consistency and proportionality, unless there is a need for immediate enforcement action **(or action taken at the first possible safe opportunity), in which case the Council will document its decision.**⁵
- 4.10 It is understood that some members of the community may have specific requirements, which may need extra advice and assistance. Careful explanation will be given and, if necessary, the services of an interpreter may be used. Appropriately translated material may be arranged or practical help provided for people with impaired hearing, vision or other impairment.
- 4.11 The Council recognises that prevention is better than cure and will actively work with business and residents to provide advice on and assistance with compliance with the law. In doing this it will be ensured that:
- Legal requirements are made available and communicated promptly upon request;
 - Information provided will be in clear, concise and accessible language and will be confirmed in writing where necessary;
 - Legal requirements and good practice/guidance aimed at improvements above minimum standards will be clearly distinguished;
 - Advice will be provided to support compliance that can be relied upon;
 - Officers will work collaboratively with other regulators, where those regulated by more than one regulator are affected, and where there is disagreement over advice given, regulators will reach agreement.

⁵ Section 2.2, [Regulators' Code](#). The requirement to provide an opportunity for dialogue does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach, or where providing an opportunity for dialogue would be likely to defeat the purpose of the proposed enforcement action. [Regulators' Code \(p3\)](#) provides the Council with some flexibility in that if it '... concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.'

- 4.12 The Council's Scheme of Delegation, which includes details of who is responsible for managing investigations and making decisions on enforcement action, can be provided in electronic or paper format upon request.

Feedback & Influencing

- 4.13 The Council will ensure that mechanisms are in place to allow those regulated, and the public, to express views, provide feedback and contribute to the development of regulatory policies and service standards.
- 4.14 The Council will consider the impact on business, and engage with businesses, before changing policies and service standards.

Fairness

- 4.15 Officers will be courteous, fair and efficient at all times, and will identify themselves by name.
- 4.16 The Council will give consideration to fairness, individual's human rights and natural justice, in all aspects of our enforcement work.
- 4.17 The Council believes in openness and equality in the way services are provided and that every individual is entitled to dignity and respect.
- 4.18 When making enforcement decisions the Council and its officers will aim to ensure that there will be no discrimination against any individual regardless of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

Confidentiality

- 4.19 It is normal practice to maintain the confidentiality of a complainant unless they agree to act as a witness in formal action taken by the Council, or the Council are required by law to disclose the identity of a complainant. Anonymous complaints will be acted upon and investigated.
- 4.20 Where any officer or member of the Council becomes aware of any concern in enforcement practice or compliance requirements the matter shall, in the first instance, be escalated to their line manager. If this approach is not seen to be appropriate the issue should be raised with another manager. The Council operates a whistleblowing policy, the "Confidential Reporting Code", which provides for serious concerns to proceed confidentially.

Charging for Enforcement

- 4.21 Where legislation allows, and the Council has adopted powers, the responsible person will be charged a fee which reflects the officer time and ancillary costs involved with the preparation of a formal notice.

- 4.22 The responsible person will be advised of the potential of being charged for formal enforcement notices before any charge is incurred, unless the situation is an emergency. In emergency situations officers will make reasonable efforts to contact the responsible person. If the responsible person cannot be contacted or cannot respond quickly enough, formal action will be initiated and a charge made.

Necessary and Proportionate

- 4.23 The Council will choose proportionate approaches based on relevant factors.⁶

- 4.24 In assessing what enforcement action is necessary and proportionate, consideration will be given to, amongst other things:

- (a) Public protection and "risk to the public";
- (b) The seriousness of the compliance failure;
- (c) The past and current performance of any business and/or individual concerned;
- (d) Any obstruction on the part of the offender;
- (e) The risks being controlled;
- (f) Statutory guidance;
- (g) Codes of Practice;
- (h) Any legal advice;
- (i) Policies and priorities of Government and the Council;
- (j) A person's age, in relation to young people aged under 18;
- (k) The existence of a Primary Authority agreement.

Council Interests

- 4.25 Where the Council has enforcement and regulatory responsibility in relation to its own premises, the Council will enforce and legislate in accordance with legislation, procedures, and guidance. This will be consistent across all premises regardless of ownership. Where individuals are investigated who are also Council employees, or where they have known connections to the Council in any capacity, the investigation will be conducted in accordance with procedures developed, to ensure that conflict of interest is minimised and that the investigation is conducted in an open, honest and accountable manner. All individuals and business will be dealt with consistently, regardless of whether or not they have an interest in the Council.

Publicity of Enforcement

- 4.26 Where the Council:
- a) is successful in prosecution and a conviction of an individual or business;
 - or
 - b) has made an enforcement decision relating to licensed premises, vehicles, drivers and/or operators;
- it may, upon legal advice, publish details of the offence, perpetrators and convictions in both electronic and paper publications. This would be done to

⁶ Section 1.1, [Regulators' Code](#)

have a deterrent effect and to make the public aware that the Council is taking effective enforcement action where it is necessary.

Primary Authority & Other Agency Arrangements

- 4.27 Where a Primary Authority exists, the Council will consult on responses to breaches.
- 4.28 Where the Council is aware of likely non-compliance where the enforcement powers are shared or with another agency, the Council will liaise with the relevant agency.

5. Conduct of investigations

- 5.1 All investigations relating to breaches of legislation that are within the powers of authorised officers within the Council, will adhere to the legislative controls of how evidence is gathered and used (see [Appendix B](#)).
- 5.2 The powers used by authorised officers are determined and restricted to those set out in the appropriate statute and/or Council's Delegation of Powers scheme, which is available in electronic or paper format upon request.
- 5.3 Where any officer conducting regulatory or enforcement functions is obstructed in the course of their investigations, formal action will be considered for obstruction offences where legislation allows.
- 5.4 Where legislation allows the seizure of equipment, articles, or items, the Council will adhere to legislation, guidance and specific policies in relation to those seizures.
- 5.5 Certain offences which are indictable carry provision for arrest in accordance with the Police and Criminal Evidence Act 1984. Where necessary, the Council and its officers may request that South Yorkshire Police exercise their powers of arrest.
- 5.6 Where it is believed that an offence has been committed and where appropriate, the Council will endeavour to interview alleged perpetrators in accordance with the Police and Criminal Evidence (PACE) Act 1984 and related guidance.
- 5.7 Legislation used by regulatory and enforcement officers is often subject to statutory time limits for investigations, from the point of discovery or commission of the offence. The Council will abide by these limitations in all circumstances when conducting investigations and when considering any subsequent enforcement actions.
- 5.8 Levels of authorisation are detailed within the Council's Scheme of Delegation. Within the Scheme of Delegation there is provision for levels of authorisations for certain enforcement actions such as prohibitions, seizures and works in default, which will require case review prior to authorisation.

- 5.9 All prosecution work, including that which results in appearances at Licensing Board, are subject to case review through line management arrangements prior to authorisation at section head level. These arrangements are laid out in function specific procedures.
- 5.10 Alleged offenders and witnesses will be informed of the progress of investigations

6. Decisions on enforcement action

- 6.1 There are a range of actions that are available to the Council which are set out in legislation.
- 6.2 For the purposes of this policy, formal enforcement action includes (see [Appendix C](#)):
- a) Compliance Advice, Guidance and Support;
 - b) Voluntary Undertakings;
 - c) Statutory (Legal) Notices;
 - d) Financial penalties;
 - e) Injunctive Actions / Enforcement Orders etc;
 - f) Simple Caution;
 - g) Prosecution; and
 - h) Refusal / Suspension / Revocation of Licences
- 6.3 Where appropriate, additional guidance and codes of practice, including service specific policies and procedures will be taken into consideration.

How decisions are made on enforcement action

- 6.5 Where formal enforcement action is necessary, the most appropriate course of action (from the range of sanctions and penalties available) will be considered with the intention of:-
- protecting public safety;
 - protecting the environment and animal welfare;
 - changing the behaviour of the offender;
 - eliminating any financial gain or benefit from non-compliance;
 - being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction;
 - being proportionate to the nature of the offence and harm caused;
 - restoring the harm caused by non-compliance;
 - deterring future non-compliance.
- 6.6 Before formal enforcement action is taken:
- Unless immediate action is required, e.g. to prevent the destruction of evidence, or, there is an imminent risk **to the public or employees to unacceptable risk, compromised safety or welfare to the**

public/employees, environment or animal health and/or sought to obtain an unfair commercial advantage, or another relevant consideration, there will be an opportunity to discuss the circumstances of the case. This discussion will usually follow an interview under caution (PACE) if a prosecution is being considered.

- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
 - Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
 - Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.
 - Any notice will clearly describe the risk presented from the non-compliance.⁷
- 6.7 Where the responsible person has failed to respond once a breach of legislation has been brought to their attention or the breach is so severe as to present an imminent risk, it is very likely that formal action will be initiated.
- 6.8 The decision to instigate legal proceedings will be determined by a number of factors, including:
- The seriousness of the alleged offence;
 - The history of the party concerned;
 - The willingness of the business or the individual to prevent a recurrence of the problem and to co-operate with officers;
 - Whether it is in the public interest to prosecute;
 - Whether there is a realistic prospect of conviction;
 - Whether any other action (including other means of formal enforcement action) would be more appropriate or effective;
 - The views of any complainant and other persons with an interest in prosecution.
- These factors are not listed in order of significance. The rating of the various factors will vary with each situation under consideration.
- 6.9 Where appropriate there will be cooperation and coordination with any relevant regulatory body and/or enforcement agency to maximise the effectiveness of any enforcement.
- 6.10 Where an enforcement matter affects a wide geographical area beyond the Borough boundaries, or involves enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be

⁷ Section 3.2, [Regulators' Code](#)

informed of the matter as soon as possible and all enforcement activity coordinated with them, where appropriate.

6.11 Where the law allows, regulation and enforcement will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including:

- (a) Government Agencies;
- (b) Police Forces;
- (c) Fire Authorities;
- (d) Statutory undertakers;
- (e) Other Local Authorities.

6.12 When a decision to take enforcement action is taken and;

- the body being enforced upon is a business operating in more than one Local Authority area and that body has chosen to have a registered Primary Authority Partnership under The Regulator Enforcement Sanctions Act 2008 (The RES Act); and
- the enforcement action proposed is covered by the definition of enforcement action for the purposes of Part 2 of the RES Act:

the Council will comply with the agreement provisions for enforcement and notify the Primary Authority of the proposed action.

The Primary Authority has the right to object to the Council's proposed action in which circumstances either they or the Council may refer the matter to BRDO.

6.13 All regulatory and enforcement actions are subject to review and monitor at varying line management levels dependent upon the action being considered. The degree of scrutiny will depend upon the action being taken and will vary accordingly between established Performance Management Frameworks, through to scrutiny by the Head of Function.

6.14 Investigation Officers are required to escalate to their line manager all (suspected or actual) serious or complex incidents of non-compliance. This includes, and not exclusively, all non-compliance directly impacting on the safety of young and vulnerable persons.

How decisions are communicated to those affected

6.15 Decisions on enforcement actions will be provided in a timely explanation in writing, which will include any rights to representation or rights to appeal, and practical information on the process involved.

7. Enforcement and Regulatory Services (Service Standards)

- 7.1 Whether working with a business, employee or a member of the public, the Council are committed to providing an efficient, courteous and helpful service. This section explains what standards can be expected of regulatory and enforcement services in Rotherham.

Areas regulated

- 7.2 The enforcement services are delivered in a number of service areas:

Environmental Protection	Trading Standards	Safety at Sports Grounds
Public Health	Licensing	Private Sector Housing
Food, Health and safety	Parking	Highways
Animal Health	Dog Control	Green Spaces
Waste Management	Enviro-Crime	Street Cleansing

How services are delivered

- 7.3 The Council makes a fundamental contribution to public safety and the improvement of public health, quality of life and wellbeing. Our aims are to:
- Protect the public, businesses and the environment from harm
 - Support the local economy to grow and prosper
- 7.4 Activities are determined by assessing the needs of local people, the business community, and considering the risks that require addressing. This is influenced by customer satisfaction surveys, feedback from specific customers, interaction with business and public and through using data and other information available to us and our partners. Resources are targeted appropriately, in the light of these local needs and of national priorities.
- 7.5 Details of the current regulatory work programme is available on request either electronically or in paper copy.
- 7.6 The Council is committed to being transparent in our activities and will measure what is important. A range of information about our performance is published. This is available on request either electronically or in paper copy.
- 7.7 Our activities are carried out in a way that supports those regulated by the Council to comply, protect the public and grow. This is done by:
- Providing information, guidance and advice to help legal requirements, (see [Helping you to get it right](#)).
 - Carrying out inspections and other activities to check compliance with legal requirements, and checks are targeted where it is believed they are most needed, (see [Inspections and other compliance visits](#)).
 - Dealing proportionately with breaches of the law as set out in this Enforcement Policy, including taking firm enforcement action when necessary, (see [Responding to non-compliance](#)).

- Providing a range of services to businesses, including Environmental Permitting, Food Premises Registration, Alcohol and Entertainment Licensing, Houses in Multiple Occupation Licensing, and Parking Services, (see [Requests for our service](#)).

Services will be delivered in accordance with the requirements of the [Regulators' Code](#).

Working with Businesses and Individuals

7.8 In all dealings with the Council, enforcers and regulators, users can be expected to receive an efficient and professional service. Our officers will:

- Be courteous and polite.
- Always identify themselves by name, and provide contact details (the exception to this are Civil Enforcement Officers undertaking parking enforcement, who under provisions in the Traffic Management Act Guidance for Local Authorities, should only be identified by their individual officer number).
- Seek to gain an understanding of how a business operates.
- Provide details of how to discuss any concerns there may be.
- Agree timescales, expectations and preferred methods of communication.
- Ensure that information and progress on any outstanding issues is provided.

7.9 Whilst recognising that businesses and individuals will receive advice and inspections from other organisations, wherever possible, coordination and linkages will be made with those agencies to ensure that the best service is provided.

Helping Businesses and Individuals get it right

7.10 The Council wants to support businesses and individuals to be compliant and successful, and it is important that everyone feels able to contact for advice when it is needed. It does not necessarily follow therefore that enforcement action will follow just because non-compliance is reported to the Council.

7.11 Information and guidance to help make sure legal requirements are met are available on request either electronically or by paper copy.

7.12 Where advice is needed it will be tailored to the user's particular needs and circumstances. Steps will be taken to:

- Discuss what is required to achieve compliance.
- Provide advice that supports compliance and that can be relied on.
- Provide clear advice that can be easily understood and implemented.
- Distinguish legal requirements from suggested good practice.
- Ensure that any verbal advice given is confirmed, if requested, in writing.
- Acknowledge good practice and compliance.

Charges will be made for some services. Any charges are agreed annually by the Council and publicised.

Inspections and other compliance visits

7.13 Compliance is monitored and supported in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – visits will not be made without a reason.

7.14 Unless there is a specific reason to believe that an unannounced visit would be more appropriate, notice that officers intend to visit will be provided.

7.15 When Council officers visit they will:

- Explain the reason and purpose of the visit.
- Carry their identification card at all times, and present it on request when visiting; if they do not – ask to see it.
- Exercise discretion in front of neighbours, and business customers & staff.
- Have regard to the business' or person's approach to compliance, and use this information to inform future interactions.
- Provide information, guidance and advice, if required, to support statutory obligations are met.
- Provide a written record of the visit.

7.16 The Council will allocate resources to where they will be most effective by assessing the priority risks:

- Risk will be considered at every stage when making a decision, including the most appropriate intervention, the way of working, checks on compliance, and when taking enforcement action.
- Assessment of risk will recognise previous compliance history and all available relevant data including relevant external verification.
- Where risk assessment frameworks are designed or reviewed consultation will be carried out with those affected. This approach will cover a range of regulatory activity.
- The effectiveness of regulatory activities and outcomes will be reviewed regularly and adjusted accordingly.

Covert Surveillance, Including the Use and Surveillance of Social Media

7.17 One of the enforcement tools available to public bodies such as the Council is the ability in certain circumstances to:

- (i) Carry out the directed surveillance - this is surveillance that:
 - is covert;
 - conducted for the purposes of a specific investigation or operation;
 - is likely to result in the obtaining of private information about a person;
 - and

- is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable to seek a court authorisation.
- (ii) Make use of a covert human intelligence source (CHIS), which is a person who:
- establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of the following;
 - covertly uses such a relationship to obtain information or to provide access to any information to another person; or
 - covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

The use of these powers is covered by the Regulation of Investigatory Powers Act 2000 (RIPA). The Council will only use these powers when it is necessary and proportionate to do so to prevent and detect serious crime, and it is in accordance with the Council's RIPA Policy and is authorised by the Court. The Council's RIPA Policy can be viewed here:

<http://rmbcintranet/Directorates/FCS/Legal%20and%20Democratic/Our%20Key%20Documents/RIPA%20Policy%202018%20-%20Appendix%20A.doc>

- 7.18 The internet and social media provide a range of benefits and opportunities to individuals and businesses, and the vast majority of individuals use such opportunities for legitimate purposes.
- 7.19 However, the Council recognises that social media sites in particular provide the opportunity for rogue businesses and / or individuals to exploit consumers and avoid traditional approaches to regulation (such as premises inspections). The Council therefore considers that, in undertaking its enforcement duties, in certain circumstances, authorised officers may be required to undertake reconnaissance and/or surveillance of social media sites / profiles and other websites in order to effectively enforce the relevant statutory requirements.
- 7.20 Simple reconnaissance of such sites is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation under RIPA. However, if it is necessary to systematically collect and record information about a particular person or group, a directed surveillance should be considered.
- 7.21 Investigating officers will seek legal advice where necessary and always act in accordance with the Council's RIPA Policy and appropriate guidance issued by the Home Office and Regulator. Where it is deemed that a directed surveillance authorisation is required, it will be obtained by the investigating officer before the surveillance / monitoring of social media sites takes place, in accordance with written departmental procedures. Such authorisation will ensure as far as possible that authorised officers act lawfully and in a fair and transparent manner.

Responding to non-compliance

7.22 Where failure to meet legal obligations is identified, there will be a proportionate response, taking account of the circumstances, in line with this Enforcement Policy. This Policy can be downloaded from the Council's website or requested as a paper copy.

7.23 Where action is needed to remedy any failings officers will:

- Explain the nature of the non-compliance.
- Discuss what is required to achieve compliance, taking into account your circumstances.
- Clearly explain any advice, actions required or decisions that have been taken.
- Agree timescales that are acceptable to both you and us, in relation to any actions required.
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal.
- Explain what will happen next.
- Keep in touch with customers, where required, until the matter is resolved.

Requests for our services

7.24 The services that the Council offer, including details of any fees and charges that apply, are available on request either electronically or in paper copy.

7.25 In responding to service requests, including requests for advice and complaints about breaches of the law, the Council will:

- Respond to the request within a maximum of 10 working days (this varies within services and compliance activity).
- Advise when a substantive response can be expected.
- Seek to fully understand the nature of the request.
- Explain what may or may not be possible, so that its clear what the customer can expect.
- Keep the person or business informed of progress throughout the Council's involvement.
- Keep the person or business Informed of the outcome as appropriate.

7.26 A detailed breakdown of both the response and expected resolution time is available on request either electronically or in paper copy. Judgement will be made by Officers to determine whether a more prompt response is required dependent on the circumstances.

7.27 The Council's website provides information about all Council services and can be found at www.rotherham.gov.uk.
You can also contact us by:

Email: <https://www.rotherham.gov.uk/forms/form/45/en/enforcement>
General Enquiries: 01709 382121
By post or in person: Rotherham Metropolitan Borough Council,
 Customer Services, Riverside House, Main Street,
 Rotherham, South Yorkshire, S60 1AE

Opening Times

- 7.28 Normal working hours are Monday to Friday 8.30 to 5.30pm. However, in response to the working hours of businesses and to information relating to activities or other concerns, Officers regularly work at times outside the above core hours to aid compliance and enforcement of standards.
- 7.29 Officers will seek to work with any person or business in the most appropriate way to meet the individual need. Information is available in different formats, and officers have access to translation and interpretation services.
- 7.30 Where a name and contact details are provided the Council will keep in touch as the matter progresses. All contacts with the service will be treated in confidence, unless there has been permission to share details with others as part of the matter being dealt with, or there is an operational or legal reason to do so. Anonymous complaints will be acted upon and investigated.
- 7.31 Personal data will be managed in accordance with the Council's Data Protection Policy (available on request either electronically or in paper copy).

Our Teams

- 7.32 The Council will ensure that Officers have the appropriate qualifications, skills and experience to deliver the services provided. Arrangements are in place to ensure the ongoing professional competency of all Officers.
- 7.33 Where specialist knowledge is required in an area outside of the Council's expertise, arrangements can be made, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

Working with others

- 7.34 The Council's aim is for all Council services work together so a streamlined service is provided.
- 7.35 The Council has working relationships with other regulators such as South Yorkshire Police, South Yorkshire Fire Service, Health and Safety Executive, and the Environment Agency. This enables officers to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, targeting regulatory resources.
- 7.36 Council officers are familiar with the work of our partners and can signpost to the advice and guidance as required. The Council is a member of the Safer Rotherham Partnership, Yorkshire and Humberside Pollution Advisory Council

(YAHPAC), Health and Safety Executive. If a customer has any comments or concerns regarding the way in which the local regulatory system is operating they can contact the partnership by contact the Council as above.

8. Review of this policy

- 8.1 Before the Council changes policies that affect regulatory and enforcement functions, the Council will consider as part of its process any potential impacts on businesses. Where there is a perceived significant change of impact then business will be consulted in relation to the changes of policy.⁸
- 8.2 Policies will be reviewed where feedback indicates that improvements or changes may be necessary, or where legislative changes require consideration of policy change, including those policies which are statutorily required.

9. Comments and Complaints

- 9.1 Feedback from customers helps the Council to ensure services meet the needs of the Council's customers and that service continue to improve. All feedback is welcomed whether good or whether suggesting improvement is needed. Customer satisfaction surveys are used, but feedback can be given at any time.
- 9.2 The Council works with a number of groups to gather opinions and ensure that services are meeting customer's needs. New members to these groups are always welcomed.
- 9.3 The Council will provide a clear complaints procedure, allowing those that are regulated to easily make complaints about the conduct of the regulator, including the ability to appeal against a regulatory decision or failure to act in accordance with the Regulators' Code. All complaints about the services offered by the Council will be dealt with in accordance with the Council's formal complaints procedure. An information leaflet, which explains the process, is available at all Council offices, and is available in electronic or paper format upon request.⁹
- 9.4 Methods of appeal against regulatory decisions or failure to abide by the Regulators' Code will be clear, impartial, timely, written, and publicised with those regulated against. Officers who took the decision or action against which an appeal is made will not be involved in considering the appeal.
- 9.5 There is a willingness to discuss with those being regulated the reasons why there has been a particular course of action or why they may have been asked to behave in a particular way. The public can contact the named officer that is dealing with their case, or ask to speak to the Officer's line manager.
- 9.6 Contact details for comments or complaints about the policy, or the conduct of local authority staff can be made by using any of the contact methods shown in paragraph 7.27 above.

⁸ Section 2.1, [Regulators' Code](#) requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

⁹ Section 2.3, [Regulators' Code](#)

Appendix A: Legislation, Guidance and Codes Used In The Preparation of the Enforcement Policy

A1. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function.¹⁰ For local authorities, the specified functions include those carried out by our environmental health, trading standards and licensing services.

The Council will exercise our regulatory activities in a way which is:

- (i) **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- (iii) **Consistent** – our advice to those regulated will be robust, reliable and similarly advice provided by others will be respected. Where circumstances are similar, a consistent, if possible, approach/action to other local authorities will be followed.
- (iv) **Transparent** – those regulated will be advised appropriately so as to understand what is expected of them and what they can anticipate in return.
- (v) **Targeted** – resources will be focused on higher risk enterprises and activities, reflecting local need and national priorities.

A2. Regulators' Code

The Council has had regard to the [Regulators' Code](#) in the preparation of this policy. In certain instances it may be concluded that a provision in the Code is either not relevant or is outweighed by another provision. It will be ensure that any decision to depart from the Code will be properly reasoned, based on material evidence, and documented.

A3. Human Rights Act 1998

The Council is a public authority for the purposes of the Human Rights Act 1998. The principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms will be applied. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

A4. Data Protection Act 1998

Where there is a need for the Council to share enforcement information with other agencies, the provisions of the Data Protection Act 1988 will be followed.

¹⁰ Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at www.legislation.gov.uk

A5. The Code for Crown Prosecutors

When deciding whether to prosecute, the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. **Evidential Test** - is there enough evidence against the defendant?
When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. There must be enough evidence to provide a 'realistic prospect of conviction' against each alleged offender.
- b. **Public Interest Test** - is it in the public interest for the case to be brought to court?

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that will be taken into account are detailed under the enforcement options available to us in [Appendix C](#).

A6. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. The requirements of the Act will be complied with when enforcement action against any business or organisation that has a primary authority is being considered, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

Appendix B: Conduct of Investigations

- B1 All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:
- the Police and Criminal Evidence Act 1984
 - the Criminal Procedure and Investigations Act 1996
 - the Regulation of Investigatory Powers Act 2000
 - the Criminal Justice and Police Act 2001
 - Criminal Justice Act 2003
 - the Human Rights Act 1998
- B2 These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.
- B3 The Council's authorised officers will comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.
- B4 All investigations shall be carried out fully, to ensure that an appropriate decision as to whether non-compliance or breach of legislation has occurred or is occurring can be made. At all times during an investigation the investigating officer shall notify any issues to their line manager where it is considered that a full investigation may be being compromised.
- B5 Investigation Officers are required to escalate to their line manager all (suspected or actual) serious or complex incidents of non-compliance or risk to public safety. This includes, and not exclusively, all non-compliance directly impacting on the safety of young and vulnerable persons.
- B6 All investigations will be carried out to ensure full compliance with appropriate discharge in accordance to Appendix C. The person making, or affected by a complaint against the activity of a business or person that has been investigated will be notified of the outcome of the investigation, including the intervention given.

Appendix C: Enforcement Actions available to the Council in Respect of Criminal and Civil breaches

C1 Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

C2 Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

C3 Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. These include: 'Abatement Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

C4 Financial penalties

The Council has powers to issue fixed penalty notices, penalty charge notices and monetary penalties in respect of some breaches of legislation. A fixed penalty notice, penalty charge notice or monetary penalty is not a criminal fine,

and does not appear on an individual's criminal record. If a fixed penalty, penalty charge notice or monetary penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach, or take civil enforcement action to recover the value of the fixed penalty, penalty charge or monetary penalty subject to the provisions of the relevant legislation.

If a fixed penalty, penalty charge notice or monetary penalty is paid in respect of a breach, the Council will not take any further enforcement action in respect of that breach. Payment of the penalty does not provide immunity from prosecution in respect of similar, continuing or recurrent breaches.

The Council is only able to issue a fixed penalty notices, penalty charge notices and monetary penalties where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

In specific instances dictated by regulation, the Council has powers to issue monetary penalties. In some cases the Council has discretion in the level of monetary penalty to impose. Where regulation makes provision for the Council to receive representations in respect of a charge, the Council will inform recipients how to make representation and provide guidance on what might be relevant issues. Any representation received will be reviewed in a timely manner within the terms of the regulation, the requirements of this policy and based on the reasonableness of the charge on a case by case basis.

If the Council deems fit it may confirm, vary or quash a monetary penalty.

C5 Injunctive Actions, Enforcement Orders etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

C6 Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution.

A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Ministry of Justice "Simple Cautions for Adult Offenders" 14th November 2013 (replacing earlier version dated 8th April 2013, which replaced Home Office Circular 016/2008) and other relevant guidance.

C7 Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- a) Seriousness of the offence committed
- b) The level of culpability of the suspect
- c) The circumstances of, and the harm caused to the victim?
- d) Was the suspect under the age of 18 at the time of the offence?
- e) What is the impact on the community?
- f) Is prosecution a proportionate response?
- g) Do sources of information require protecting?

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

C8 Refusal/ Suspension/ Revocation of Licences

The Council issues a number of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run and public safety is assured. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account and also other matters which, on the balance of probability, may influence the assessment of a person to be a fit and proper person.

C9 Enforcement options available in relation to Sports Grounds

Reduction in capacity

Reducing the capacity of all, or part of, a sports ground is a formal action which would be appropriate in the following situations:

- if an incident suggests that the management of a sports ground is performing poorly; or
- if the Council's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity.

Any new capacity should be properly calculated having regard to the change in circumstances and the procedures to be followed will be the same as during the routine annual review of the safety certificate. Ground management should be invited to submit its proposed revised Physical (P) or Safety (S) factor, but the Council reserve the right to overrule this if appropriate.

When reducing a capacity it is important that

- officers act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity; and
- a formal amendment to the safety certificate is issued.

Once the remedial measures or improvements have been implemented consideration should be given to restoring the original capacity.

Prohibition notice

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand. Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious, that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted".

A prohibition notice is therefore a measure of last resort and should only be used where an amendment of the safety certificate (where issued) is not considered an effective way of dealing with the risk(s).

When issuing a prohibition notice consideration should be given as to whether the risk to spectators is or may be imminent and if so the notice should take effect as soon as it is served. In all other cases it should come into force at the end of the period specified in the notice.

A prohibition notice must specify:

- the nature of the risk to spectators; and
- the number of spectators that may be admitted to the sports ground, or any part of the sports ground, until appropriate steps have been taken to address those risks.

The notice may also include directions as to the steps which will have to be taken to reduce the risk to a reasonable level. Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

Appendix D: Policy for the Use of Civil Penalty and Rent Repayment Orders



Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004

January 2018

Rotherham Metropolitan Borough Council

Policy for the Use of Civil Penalty and Rent Repayment Orders under the Housing Act 2004.

This policy is supplementary to the Council's General Enforcement Policy, which was approved by in Cabinet 2015.

The purpose of this policy is to set out the framework within which decisions will normally be made with regard to applying for a Rent Repayment Order and to issuing civil penalties in relevant cases. This policy may be departed from where the circumstances so justify. Each case will be dealt with on its own merits, having regard to its particular circumstances.

This policy is designed to ensure transparency, consistency and fairness in how and when civil penalties are imposed and Rent Repayment Orders are pursued.

Civil Penalties under the Housing and Planning Act 2016

When introducing civil penalties through the Housing and Planning Act 2016, Government Ministers made it very clear that they expect local housing authorities to use their new powers robustly, as a way of clamping down on rogue landlords.

In the House of Commons, Marcus Jones MP (Parliamentary Under Secretary of State at the Department for Communities and Local Government) stated:

'[it is necessary to] clamp down on rogue landlords, so the civil penalty [has been increased] up to a maximum of £30,000" because a smaller fine may not be significant enough for landlords who flout the law to think seriously about their behaviour and provide good quality, private sector rented accommodation for their tenants'.

This policy should be read alongside the Council's, 'General Enforcement Policy' and sets out how Rotherham Borough Council will determine the level of financial (civil) penalty in individual cases, once the decision to impose a financial penalty has been made.

Determining if a civil penalty can be applied the following must be considered:

A). Civil penalty is only available for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234). A separate offence is committed for each regulation breached.

NB. Breach of a Prohibition Order can only be addressed by prosecution, however a Rent Repayment Order must be considered after a successful prosecution and may be considered before prosecution.

B). The criminal burden of proof (beyond reasonable doubt) must have been achieved. Consideration should be given to the Code for Crown Prosecutors in making this judgement.

C). If a civil penalty is the appropriate disposal for the individual case or if prosecution would be more appropriate. An authority cannot issue a civil penalty and prosecute for the same offence. Though multiple civil penalties are possible where multiple offences are committed. The effect of the civil penalty is that the offender will not receive a criminal record or be publically named for the offence. However the civil penalty should not be seen as a soft option and can be used for serious offenses if it is considered that they will offer the most appropriate punishment and deterrent in a specific case.

The following factors are some of the issues which should be considered in determining if a civil penalty or prosecution should be applied to an individual offence.

- The severity of the offence and the resulting potential harm
- The offending history of the alleged offender
- If the offence was committed by mistake or with knowledge
- The health and capacity of the alleged offender
- The public interest in taking the alleged offender into court where the offence will be publicised and the individual held to account in public.
- The likely impact of Court action verses a civil penalty, in deterring further offending.

Determining the level of civil penalty which should be applied:

The Government recommends that, in order to ensure that the civil penalty is set at an appropriate level, the local housing authority produces its own policy to ensure fair and transparent application of penalties.

The Council has based its level of civil penalty on the Governments guidance and the principles set out in the Sentencing Council Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guideline. This sentencing guidance issued by the Sentencing Council is considered appropriate to the type of offence likely to be considered under this Policy. The Sentencing Council have set out a range of fines which are linked to the culpability of the offender and the actual and potential harm resulting from the offence.

Relevant Considerations

A). Severity of offence

The more serious the offence, the higher the civil penalty should be.

B).The culpability and track record of the offender

A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations. Relevant previous offences include property related offences, offences relating to drugs, violence, discrimination or fraud, consideration should be given to the nature of the offence and what bearing it could have on the management of a privately rented property.

C). The harm caused to tenants

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when the local housing authority imposes a civil penalty.

D). The punishment of the offender

A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities. The offender's financial means is a material consideration when determining the level of penalty which will represent an appropriate punishment to that individual.

E). Whether it will deter the offender from repeating the offence

The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

F). Whether it will deter others from committing the offence

While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that;

(a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

G). Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

H). The cost to the Council of the enforcement action

The cost of investigating the offence(s) and preparing the case for formal action, together with any costs that it incurs in defending its decision at the First-tier Tribunal.

The actual level of the penalty will be initially determined using an assessment of **culpability** and **harm** factors described in the tables below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment.

Culpability

<i>Very high (Deliberate Act)</i>	Where the offender intentionally breached, or flagrantly disregarded, the law e.g. failure to comply with improvement notice. A person who has a high public profile and knew their actions were unlawful
<i>High (Reckless Act)</i>	Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken e.g. failure to comply with HMO Management Regulations.
<i>Medium (Negligent Act)</i>	Offence committed through act or omission which a person exercising reasonable care would not commit e.g. failure to complete all items on a schedule of works within the required timescale.
<i>Low</i>	Offence committed with little fault e.g. <ul style="list-style-type: none"> significant efforts were made to address the risk although they were inadequate on this occasion. there was no warning/circumstance indicating a risk. failings were minor and occurred as an isolated incident. Obstruction by tenant or tenant damage.

Harm

The table below contains a non-exhaustive list of factors relating to both actual harm and risk of harm. Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the extent of it if it does. Guidance in this area is available in the 'Housing Health and Safety Rating System Operating Guidance'

<i>Category 1 – High Likelihood of Harm</i>	<ul style="list-style-type: none"> Serious adverse effect(s) on individual(s) and/or having a widespread impact High risk of an adverse effect on individual(s) – including where persons are vulnerable
<i>Category 2 – Medium Likelihood of Harm</i>	<ul style="list-style-type: none"> Adverse effect on individual(s) (not amounting to Category 1) Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect

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	<ul style="list-style-type: none"> The Council and/or legitimate landlords or agents substantially undermined by offender's activities The Council's work as a regulator to address risks to health is inhibited Consumer/tenant misled to their prejudice
<i>Category 3- Low Likelihood of Harm</i>	<ul style="list-style-type: none"> Low risk of an adverse effect on individual(s) Public misled but little or no risk of actual adverse effect on individual(s)

Having determined the **category**, the appropriate level of civil penalty within the category will be assessed from the **starting point for that category and** further adjusted, if necessary, within the category range for aggravating and mitigating features determine by reference to the guidance in 'Relevant Considerations' above, the cost of enforcement and any other relevant aggravating or mitigating factor relevant to the case including the offender's ability to pay.

The table below gives the starting points, minimum and maximum financial penalties for each harm category and level of culpability before adjustment.

	Starting Point	Range	
		Min	Max
Low culpability			
Harm Category 3	£50	£25	£175
Harm Category 2	£125	£50	£350
Harm Category 1	£300	£125	£750
Medium culpability			
Harm Category 3	£350	£175	£750
Harm Category 2	£1000	£350	£2000
Harm Category 1	£2500	£750	£4500
High culpability			
Harm Category 3	£1000	£500	£2250
Harm Category 2	£3000	£1000	£5500
Harm Category 1	£6250	£2500	£12500
Very high culpability			
Harm Category 3	£2500	£1250	£4500
Harm Category 2	£6250	£2500	£12500
Harm Category 1	£15000	£6250	£30000

Obtaining financial information

The statutory guidance advises that local authorities should use their existing powers to, as far as possible, make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty.

In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed unless the Council has obtained or the offender has supplied any financial information to the contrary. An offender will be expected to disclose to the Council such data relevant to his financial position to enable the Council to assess what an offender can reasonably afford to pay. Where the Council

is not satisfied that it has been given sufficient reliable information, the Council will be entitled to draw reasonable inferences as to the offender's means from evidence it has received and from all the circumstances of the case ***which may include the inference that the offender can pay any financial penalty***. It is important that the final penalty removes the advantage gained by the offence and that the level has a punitive and deterrent effect based on the perpetrator having regard to their specific circumstances.

For illustration;

As many offenders will be owners of one or more properties, they are likely to have assets that they can sell or borrow against. Property values and rental incomes have consistently increased over the long term, so in the majority of cases those offenders with mortgaged properties are likely to have value in the property that can be released. Therefore, if an offender claims that they are unable to pay a financial penalty and show that their income is small, consideration should be given to properties owned that can be sold or refinanced.

Reductions / Discounts in the level of civil penalty

Circumstance for discount	% Reduction
Where an offender completes all outstanding works to the satisfaction of the council, before the Notice of Intent expires, e.g. 28 days from service, and pays the civil penalty in full within 14 days of the 'Final Notice'.	The Offender can request a reduction of the calculated Civil penalty. Where the offender has been seen to cooperate in the latter stages of enforcement, the Assistant Director of Environment and Street Scene, may at their discretion, apply a discount of up to a maximum of 20% of the calculated Civil penalty.

Documentation

Civil penalties must be fully document. All issues considered against the areas discussed above must be recorded. This level of detailed justification will be required to explain to the recipient the level of civil penalty and to any subsequent Appeal Hearing.

The Process for issuing a civil penalty

The investigating officer will produce a prosecution case file, presenting evidence to satisfy the criminal burden of proof. The officer will discuss with their Principal Officer which is the most appropriate disposal of the offence, with reference to this Policy and the General Enforcement Policy.

Where a civil penalty is considered the appropriate remedy, the investigating officer will;

- Cost all enforcement activity.
- Identify the adjusted level of civil penalty justified in the specific case.
- Record the reasons for the level of penalty including any adjustments

- Refer case to the Head of Service for authority to proceed to a civil penalty.
- Service notice of the Council's proposal ('notice of intent') to impose a financial penalty.

The notice of intent must set out:

- the amount of the proposed financial penalty;
- the reasons for proposing to impose the penalty; and
- information about the right of the landlord to make representations.

The Notice of Intent must be given no later than 6 months after the Council has sufficient evidence of the conduct to which the penalty relates or at any time when the conduct is continuing.

NB. Where a civil penalty is issued the offence is considered discharged. However, if the defects persist, a further Improvement Notice can then be served and enforced if that is not complied with, opening the possibility of a further civil penalty or a prosecution.

What happens after a person receives a notice of intent?

A person who is given a Notice of Intent may make written representations to the local housing authority about the intention to impose a financial penalty;

Any representations must be made within 28 days from when the notice was given.

The written representation should be sent to;

Assistant Director of Environment and Street Scene,
Riverside House,
Main Street,
Rotherham.
S60 1EA

The Assistant Director may confirm, vary or withdraw a charge based on the information provide in a representation.

Information which will be considered will include but not be limited to;

- Number of properties owned
- Level of cooperation with the Council
- Period of time the property has been let
- Personal financial circumstances
- History of compliance with Housing Legislation
- Membership of a professional body
- Efforts made to try to comply
- Any reason that indicates the charge has been made unreasonably

What happens after representations (if any) have been made?

After the end of the period for representations, the local housing authority must decide whether to impose a penalty and, if so, the amount of the penalty. If the local housing authority decides to impose a financial penalty, it must give the person a notice ('final notice') requiring that the penalty is paid within 28 days.

The 'Final Notice' must contain;

The final notice must set out:

- the amount of the financial penalty;
- the reasons for imposing the penalty;
- information about how to pay the penalty;
- the period for payment of the penalty (28 days);
- information about rights of appeal; and
- the consequences of failure to comply with the notice.

Can the local housing authority withdraw or amend the notice?

The local housing authority may at any time:

- withdraw a notice of intent or final notice; or
- reduce the amount specified in a notice of intent or final notice.

Right of appeal

A person who receives a final notice may appeal to the First-tier Tribunal against:

- the decision to impose a penalty; or
- the amount of the penalty.

The First-tier Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the local housing authority, or to cancel the civil penalty. If the First-tier Tribunal decides to increase the penalty, it may only do so up to a maximum of £30,000. Appeal rights are contained within Schedule 13A to the Housing Act 2004. The First-tier Tribunal can dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious or an abuse of process, or has no reasonable prospect of success.

If a person appeals, the final notice is suspended until the appeal is determined or withdrawn.

Recovery of Penalty Charge

The local housing authority **will** recover any unpaid civil penalty charge on the order of the County Court, as if payable under an order of that Court, as laid out in the '2016 Act'. The Local Housing Authority will use county court bailiffs to enforce the order and recover the debt.

Rent Repayment Orders

A rent repayment order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent. First introduced for licensing offences in the Housing Act 2004 have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences, described below.

- Failure to comply with an Improvement Notice (under section 30 of the Housing Act 2004)
- Failure to comply with a Prohibition Order (under section 32 of the Housing Act 2004)
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016 (due to be enacted in November 2017);
- Using violence to secure entry to a property (under section 6 of the Criminal Law Act 1977)
- Illegal eviction or harassment of the occupiers of a property (under section 1 of the Protection from Eviction Act 1977)

A rent repayment order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty.

The Council **must consider** a rent repayment order after a person is the subject of a successful civil penalty and in most cases the Council will subsequently make an application for a rent repayment order to recover monies paid through Housing Benefit or through the housing element of Universal Credit. See below for further detail.

Rent Repayment Orders under the Housing and Planning Act 2016

Rent Repayment Orders (RRO's)

A Rent Repayment Order is defined in section 40(2) of the Housing and Planning Act 2016 as an order requiring the landlord under a tenancy of housing to –

- (a) repay an amount of rent paid by a tenant, or
- (b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.

NB. The reference to universal credit or a relevant award of universal credit includes housing benefit under Part 7 of the Security Contributions and Benefits Act 1992 pending its abolition. The Council as the local housing authority has **a duty under** section 48 of the Housing and Planning Act 2016 to consider applying to the First-tier Tribunal ('the Tribunal') for a Rent Repayment Order in cases where an offence from the list below has been committed.

Offences for which a Rent Repayment Order can be obtained:-

- Failure to comply with an **Improvement Notice**, contrary to section 30(1) of the Housing Act 2004 (served under the Housing Act 2004)
- Failure to comply with a **Prohibition Order** etc., contrary to section 32(1) of the Housing Act 2004 (served under the Housing Act 2004)
- Being a person having control of or managing a **house in multiple occupation** (HMO) which is required to be licensed under Part 2 of the Housing Act 2004 but **which is not so licensed**, contrary to section 72(1) of the Housing Act 2004
- Being a person having control of or managing a house which is **required to be licensed under Part 3** of the Housing Act 2004 **but is not so licensed**, contrary to section 95(1) of the Housing Act 2004
- **Using violence to secure entry to a property**, contrary to Section 6(1) of the Criminal Law Act 1977
- **Illegal eviction or harassment** of the occupiers of a property, contrary to section 1(2), (3) or (3A) of the Protection from Eviction Act 1977
- **Breach of a banning order** made under section 21 of the Housing and Planning Act 2016 (not yet in force but scheduled to be 1 October 2017)

The offences under the Housing Act 2004 must relate to hazards within occupied premises and not common parts only. The offence must have been committed on or after 6th April 2017. A RRO can be applied for whether or not the landlord has been convicted.

Evidence of commission

Where there has been a conviction, a certificate of conviction will suffice to establish commission of the specified offence. In the absence of a conviction, the Tribunal will need to be satisfied beyond reasonable doubt that the landlord committed the specified offence. Officers shall have regard to the Crown Prosecution Service Code for Crown Prosecutors (see Code for Crown Prosecutors) in order to establish whether there is likely to be sufficient evidence to secure a conviction and therefore to establish the necessary burden of proof to the Tribunal.

Statutory Guidance

In deciding whether to apply for a RRO, the Council must under section 41(4) of that Act have regard to any guidance issued by the Secretary of State (see the DCLG document 'Rent Repayment orders under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities' - Rent Repayment Orders Guidance).

Assistance

Council officers may offer advice to tenants who are eligible to claim a RRO in respect of rent paid themselves but in such cases, the tenant will usually be referred direct to Derbyshire Law Centre or other appropriate bodies for further support.

Considerations for decision as to whether to apply for a RRO

Council officers are granted powers and duties to deliver proportionate and targeted enforcement. It is vital that regulatory resource is used consistently and to best effect by ensuring that resources are targeted on addressing the highest risks. The use of RRO's is only to be used where considered appropriate.

The objective of an application for a Rent Repayment Order is not only to issue a punishment as a consequence of non-compliance with the law, but also to deter the offender and others in a similar position from repeat offences.

If a conviction for the Offence or a civil penalty has been obtained then it is normally expected that a Rent Repayment Order will be pursued where the Council have paid housing benefit, or the housing element of Universal Credit. The Tribunal must, in these cases, order that the maximum amount (12 months) of rent be repaid in these circumstances

In determining if application for a Rent Repayment Order is appropriate, following questions shall be considered:

TABLE 1

No.	Question	Yes or No
1.	Has the offender been prosecuted and convicted of a relevant offence in Court?	If yes, make an RRO application. If no go to step 2.
2.	Has evidence been obtained from Benefits to confirm that Housing Benefit has been paid by RMBC over the last 12 months?	If no – no case for RRO. If yes, proceed to step 3.
3.	Does the LA have sufficient evidence to prove 'beyond reasonable doubt' that a relevant offence has been committed? Is the evidence reliable? Is there no credible defence?	If no – case closed, do not pursue. If yes, proceed to step 4.
4.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused)	If no – case closed, do not pursue. If yes, proceed to step 5.
5.	Is pursuing an RRO proportionate to the offence?	If no – case closed, do not pursue. If yes, proceed to step 6.
6.	Does the offender have any previous convictions?	If yes – proceed to RRO. If no, proceed to step 7.
7.	Where no previous offence – is the issuing of a RRO likely to deter from future offences?	If yes – proceed to RRO. If no, consider closing and not pursuing.
8.	RRO Would the issuing of a RRO cause substantial hardship to the offender, and are there mitigating circumstances to suggest the LA should not proceed?	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application
9.	Are there any other factors that would indicate the Council should not proceed with the issuing of the RRO	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application

If the conclusion is yes to pursue RRO, then the amount to be reclaimed should be determined by considering the factors in the table below.

If the offender has already been convicted of the offence, then the amount shall automatically be determined as 12 months rental income.

If no conviction has been obtained, but the decision has been made to pursue RRO, the factors in the table below should be considered to determine a sum. The amount of rent to be repaid cannot exceed the amount actually collected. Where the tenant is in receipt of Universal Credit, the formula provided in the DCLG guidance in relation to RRO's shall be followed.

TABLE 2

1.	Punishment of the offender – the RRO should have a real economic impact on the offender and demonstrate consequences of non-compliance with their responsibilities. Consider the conduct of landlord and tenant, financial circumstances of landlord and whether landlord has previous convictions
2.	Deter the offender from repeating the offence – level of RRO must be high enough to deter offender from repeating
3.	Dissuade others from committing similar offences – RRO will be in the public domain. Robust and proportionate use is likely to help others comply with their responsibilities.
4.	Remove any financial benefits that the offender may have obtained as a result of the offence – landlord should be losing the benefits that he has accrued whilst not complying with their responsibilities
5.	Is there any other factor the Council considers should be taken into account.

Consideration of the above points will determine whether the full amount of rent should be reclaimed or whether there are mitigating circumstances, this will depend on the severity of the offence and whether this justifies 12 months of non-payment of rent.

If there are mitigating circumstances, then a deduction should be applied from the full 12 months. The amount payable under a RRO is recoverable as a debt.

Officers must fully document the reasons for making the decision to apply based on tables 1&2, as this will be required for the application to the First Tier Tribunal. Application will be made via legal services.

Further Guidance

- The Housing and Planning Act 2016
- Civil penalties under the Housing and Planning Act 2016

Guidance for Local Housing Authorities - Department for Communities and Local Government published April 2017

- **Rotherham MBC's General Enforcement Policy**
- The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017
- Sentencing Council -Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guideline

Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet – 22 October 2018

Report Title

House to House Collections Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

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Ward(s) Affected

All

Executive Summary

House to house collections on behalf of charities, with some exemptions, are required to be permitted by Councils. Whilst governed by national legislation, there is provision for local discretion. House to house collections are defined as ‘an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property’. They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

For the purpose of the House to House Collection Act 1939, the term ‘house’ also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

Applications are received by the Council from a number of organisations each year and the issuing of permits to authorise collections is considered by the Council's Licensing Board. The Council is not obliged to formulate and adopt a Policy in relation to the application process for House to House Collection Permits, and historically has not had a Policy in place.

However, it is now considered that having a clear and transparent policy will assist applicants' understanding of the process and facilitate more consistent decision making by the Council.

Recommendations

1. That the draft policy be considered and approval be given to take the Policy to consultation with relevant individuals and organisations.
2. That, following consultation, the Policy be brought back to Cabinet in the spring of 2019 to consider adoption.

List of Appendices Included

Appendix 1 Rotherham Metropolitan Borough Council Draft House to House Collections Policy (July 2018)

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

The draft policy was reviewed by the Licensing Board in April 2018. Comments made by Members of the Board have been incorporated into the draft policy.

Council Approval Required

No.

Exempt from the Press and Public

No

Rotherham Metropolitan Borough Council House to House Collections Policy

1. Recommendations

- 1.1 That the draft policy is considered and approval given to take the Policy to consultation with relevant individuals and organisations.
- 1.2 That, following consultation, the Policy is brought back to Cabinet in the spring of 2019 to consider adoption.

2. Background

- 2.1 The House to House Collections Act 1939 requires all house to house collections for a charitable purpose to be licensed by Local Authorities through the application for, and issue of, a Permit from the appropriate Council. The legislation applies automatically in each Local Authority area, and therefore it does not require specific adoption by the Council.
- 2.2 The Act defines a charitable purpose as 'any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law'.
- 2.3 A collection is defined within the Act as 'an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property'.
- 2.4 To fall within the remit of this legislation the collection must be one that is made wholly or partly for charitable purposes, whether it be the collection of money or any other items that may subsequently be sold for money. This would include collections where the promoter is collecting items for subsequent sale, such as clothing, and where the promoter guarantees to donate a percentage or minimum amount, to charity.
- 2.5 Additionally the collection must be made by going from door to door, not from standing in the street. This does not necessarily have to be made by knocking on the door and making personal contact, it can equally be made by leaving envelopes or collection bags for collection on a specified date (for example, the use of collection bags for donations of clothing that will be collected on a specified date).
- 2.6 Significantly, the Act also defines a house as including places of business. Given this, the definition would also include collectors going from shop to shop, for example rose sellers travelling from public house to public house.
- 2.7 The purpose of the legislation is to ensure that collectors are properly authorised, that the collections do not cause a nuisance to the public, that donations are receipted and stored in a secure way, and that the total proceeds are properly accounted for and forwarded to the appropriate charitable organisation.

- 2.8 The Secretary of State may issue an Exemption Certificate, which negates the need to apply for a licence, to the promoter of a collection where collections are to take place throughout the whole, or a substantial part of England, provided that the collection pursues a charitable purpose.
- 2.9 Some larger charities have secured Exemption Certificates; however, most of the smaller charities operating locally do not have Exemption Certificates and are required to apply to the Council for a licence.
- 2.10 Unless persons who wish to undertake charitable collections hold an Exemption Certificate issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without first obtaining a Permit from the Local Authority.

3. Key Issues

- 3.1 A clearer and more transparent policy will assist applicants to understand the process of applying for a licence and the information required, together with facilitating more consistent decision making by the Council.
- 3.2 Importantly, residents will be reassured that the Council has put in place robust measures to ensure that collections are regulated and only those with an appropriate return to charities will be authorised. It is not unusual for house to house collections to utilise charity badging for collections, whilst providing only a small return to charities, with the majority of funds being retained by the collectors and promoters. Residents should rightly expect that if they make donations to a charity that that charity is the main recipient of that support.
- 3.3 All applications for House to House Collection Permits are considered by the Council's Licensing Board and consequently the views of Board members in relation to the policy were obtained at the meeting of the Licensing Board in April 2018. These recommendations have been incorporated into the draft policy.
- 3.4 It is important to note that many local and national charitable organisations rely upon the funding gained as a result of house to house collections. The policy must therefore strike the correct balance between ensuring that permits are only granted in appropriate circumstances, and proportionate application criteria, that do not introduce unnecessary barriers for legitimate and well-meaning individuals and organisations.
- 3.5 The Council's draft House to House Collections Policy is attached to this report at Appendix 1.

4. Options considered and recommended proposal

Option 1

- 4.1 The Council is not obliged to formulate and adopt a Policy in relation to the application process for House to House Collection Permits. Consequently the

Council might consider that it is appropriate to permit applications simply within the context of legislation without setting contextual criteria.

4.2 Although this is a relatively straightforward approach (and reflects the Council's current position), this option is not being recommended due to the following reasons:

- No guidance is provided to applicants and / or the Licensing Board in relation to the amount of the proceeds that should be donated to charity.
- The matters that will be considered in relation to an application are not made sufficiently clear, this can sometimes lead to a delay in the processing of the application whilst additional information is provided.
- The absence of a clear set of guidelines can lead to inconsistent decision making.

Option 2

4.3 The adoption of a Policy would provide a more formal framework for consideration and add value to the existing legislative context. It would deliver a more consistent approach and improve public confidence.

4.4 The draft Policy contains important criteria including:

- A minimum of 80% of the value of the collections to be provided to the Charity
- Financial breakdown of the remittance provided to the charity, collectors and promoters
- Details of the aims of the beneficiaries
- Details of relevant accounts and financial statements

Preferred Option

4.5 Option 2 is the preferred option. In particular a House to House Collection Policy would provide robust scrutiny of applicants, whilst setting a high level of acceptable return to charities. This Policy will ensure that those giving to charity in this manner can be confident that their support is reaching the charity that they intended it to.

5. Consultation

5.1 Licensing Board has been consulted in relation to the contents of the draft Policy and the comments have been included within the draft that is proposed for public consultation.

5.2 If permission is given for consultation, the Council will identify organisations and individuals that are likely to be affected by the revised policy and their views will be sought. These organisations and individuals will include representatives of charities at local and national level, trade organisations and fund raising groups.

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is anticipated that public consultation will commence in November 2018.
- 6.2 Following the completion of the public consultation and consideration of any returns, the Policy will be presented again to Cabinet to seek adoption in the Spring of 2019.
- 6.3 The policy will be reviewed 12 months following its introduction, in order to assess whether the policy is delivering the desired outcomes.

7. Financial and Procurement Implications

- 7.1 There are no financial or procurement implications directly associated with this report. However, the Council has strong partnerships with the Voluntary, Community and Faith Sectors, which support the Council's Strategic Outcomes. Ensuring that the policy strikes the right balance between ensuring permits are only granted in appropriate circumstances whilst providing a proportionate application criteria that does not introduce unnecessary barriers for legitimate and well-meaning individuals and / or organisations, is therefore in the Council's best interest.

8. Legal Implications

- 8.1 The House to House Collections Act 1939 lays down the requirement in relation to House to House Collections.
- 8.2 Section 4 of the Act provides for the Secretary of State to prescribe regulations regarding the manner in which collections may be carried out, including the conduct of promoters and collectors. There is no opportunity for local authorities to prescribe additional regulations or attach licence conditions.
- 8.3 The Secretary of State published the House to House Collections Regulations 1947, subsequently amended by the House to House Collections Regulations 1963, which took effect from 29th December 1947. These regulations, included as Appendix 1 to the Policy, apply to all licences issued by the Council under the House to House Collection Act 1939.
- 8.4 Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.
- 8.5 There is no right of appeal through the courts against a decision to refuse or revoke an application. However, there is a right of appeal to the Secretary of State whose decision is final. Additionally, any decision must be reasonable as any decision could also be subject to a complaint to the Local Government Ombudsman or through a judicial review.

- 8.6 As the determination of applications for House to House Collection permits is the responsibility of the Council's Licensing Board, the views of the Board should be considered integral to the development of any policy regarding House to House applications.

9. Human Resources Implications

- 9.1 There are no HR implications arising from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are no implications for children and young people or vulnerable adults.

11. Equalities and Human Rights Implications

- 11.1 There are no equalities or human rights implications as the Policy is within the context of an existing legal framework.

12. Implications for Partners and Other Directorates

- 12.1 It is not considered that this policy will have any direct implications for any of the Council's partners or other directorates.

13. Risks and Mitigation

- 13.1 Given that the Policy is a fundamental element of consistent decision making, a policy that was not fit for purpose would increase the risk of judicial challenge.
- 13.2 Consequently, it is essential that the Policy is developed taking into account the views of decision makers, enforcement officers, the general public and those that may be affected by the introduction of this policy.

14. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene

Approvals obtained from:-

	Named Officer	Date
Strategic Director of Finance and Customer Services	Julie Copley	16.07.2018
Assistant Director of Legal Services	Michelle Scales / Naim Younis	16.07.2018
Head of Procurement (if appropriate)	Karen Middlebrook	16.07.2018
Head of Human Resources (if appropriate)	John Crutchley	16.07.2018

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Appendix 1: Draft House to House Collection Policy

Rotherham Metropolitan Borough Council

**HOUSE TO HOUSE COLLECTIONS POLICY
October 2018 (DRAFT)**

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1. Introduction

Aim of this Policy

This policy aims to ensure that residents in the Rotherham area who want to donate to a charitable or good cause through house to house collections are able to do so secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity or good cause.

The effectiveness of the policy will be reviewed one year after its introduction to determine its impact, and whether the aim of the policy is being achieved.

General Information Regarding House to House Collections

House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

There has been an increase in the number of house to house collectors in the Borough over the last few years and as such it is vital that permits are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.

House to house collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Permits for collections that are carried out in Rotherham are issued by the Council. There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued to the charity by the Cabinet Office directly.

The intention of this policy is to give clear guidance to members of the Licensing Board, applicants and officers, on the factors to be taken into account when determining applications for a House to House Collection permit.

All decisions regarding House to House Collections are made by the Licensing Board, although the Licensing Board may delegate this to officers if the Board considers this to be necessary or appropriate.

Any applicant that is aggrieved by a decision of the Council may appeal to the Secretary of State within 21 days of being given notice of the decision.

The Regulatory Framework for House to House Collections

House to house collections, as defined by the House to House Collections Act 1939, are required to be licensed by local authorities. House to house collections are defined as 'an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property'. They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

For the purpose of the House to House Collection Act 1939, the term 'house' also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

Unless those who wish to conduct a collection possess an Exemption Certificate issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without the promoter first obtaining a licence from this Council to do so.

Some larger charities (particularly those that operate nationally) have secured Exemption Certificates from the Secretary of State; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, they need to apply for, and be granted, a permit before they can collect money door to door within Rotherham. There is no application fee associated with an application for a house to house collection permit.

There are two circumstances where the need for a permit from the Council can be waived following the intervention of other authorities.

- (1) If the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of, or a substantial part of, England and Wales, and wants to promote collections for that purpose, he may then direct by Order that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections exempt from licensing requirements would be described in the Order.
- (2) Where the chief constable for a police area is satisfied that the purpose of a collection is local in character and that the collection is likely to be completed within a short period of time, he may grant the promoter of the collection a certificate in the prescribed form. Where such a certificate is granted, a permit from the Council is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such certificate.

Any applications made for a permit will be processed and considered in accordance with Section 2 of this policy.

2. Applications for a House to House Collection Permit

The application process

Applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This will allow Council Officers to provide appropriate advice, as well as clarifying any areas of uncertainty.

All applications must be made on the Council's prescribed application form (see Appendix A).

Applications should normally be made at least two calendar months before the first proposed collection date, the application will not be considered as complete unless the applicant provides all of the information that is specified on the application form and accompanying notes.

Any application received with less than one calendar months' notice prior to the first proposed collection date is unlikely to be considered, save for exceptional circumstances at the Council's discretion.

In addition to completing the Council's application form, the applicant must also supply information relating to:

- Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission. The collection beneficiary is the term used to describe the organisation on whose behalf the collection is being undertaken.
- A statement of the collection beneficiary's aims, and any literature to support this.
- Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
- If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
- Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
- The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - Full details of any deductions that will be applied to the 'gross

collection amount' and how these will be calculated.

- A written agreement between the applicant and the charity as required by the Charities Act 1992.
- Declaration of any previous refusals for House to House Collections
- A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
- It must be clear from the application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before. Although each case will be considered individually, the Council considers it reasonable that a charity can expect to receive at least 80% of the total proceeds from a collection (i.e. before any deductions are made for expenses associated with the collection).

All applications for a House to House Collection Permit will be referred to the Council's Licensing Board for consideration. The applicant will have the opportunity to address the Board should they wish to do so, they may also provide a written submission to the Licensing Board for consideration along with their application.

Licensing Officers and/or the Licensing Board may request additional information from applicants in order to fully consider applications that are received by the Council. In cases where additional information is requested, the application will not be processed by the Council until such time as the requested information has been provided.

Grant of a House to House Collection Permit

If the Licensing Board are satisfied that it would be appropriate to issue a permit for a House to House Collection then one will be issued for the times and dates specified on the application. The Council will issue a Certificate for the Information of the Stationery Office under the House to House Collections Act 1939. This document will allow the promoter to obtain the prescribed badge and prescribed Certificate of Authority. These documents must be carried by all collectors involved in the House to House Collection.

If the dates specified on the application have passed, then the permit will run from the date that the Licensing Board make the decision to issue the permit.

In any event, a permit authorising a house to house collection will not be valid for a period longer than twelve months.

Permits will not be issued retrospectively, therefore a permit must be in place before the collection commences. Collections undertaken without a valid permit or exemption, will be unlawful and the promoter of such a collection risks prosecution by the Council.

The House Collections Act 1939 and the House to House Collections Regulations 1947 specify the obligations of all those involved in house to house collections. A copy of the House to House Collections Regulations 1947 is appended to this policy as Appendix B.

Key obligations placed on the person / organisation to whom a permit is issued are as follows:

- the necessary written permission has been obtained from the Council;
- no collection must be undertaken in a manner which will inconvenience or annoy any person such collections taking place at an unreasonable hour. The Council would consider that collections taking place later than 8pm would be unreasonable;
- every collector must wear a standard badge and carry a Certificate of Authority;
- collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
- all collectors must be aged sixteen years or more;
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

The key obligations following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;
- boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded;
- after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

Refusal to issue a House to House Collection Permit

The statutory reasons why a licensing authority may refuse to grant a permit, or where a permit has been issued may revoke it, if it appears to the authority that:

1. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
2. Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
3. The grant of a Licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has

been committed in connection with the collection;

4. The applicant or the holder of the Licence is not a fit and proper person to hold a Licence by reason of the fact that he has been convicted in the United Kingdom of any of the relevant offences specified below, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence. The relevant offences referred to above are as follows:
 - Offences under sections 47 to 56 of the Offences against the Person Act 1861
 - Robbery, burglary or blackmail
 - Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property
 - Offences under the Street Collections Regulation (Scotland) Act 1915
 - Offences under section 5 of the Police, Factories etc. Miscellaneous Provisions) Act 1916
5. The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
6. The applicant or holder of the Licence has refused or neglected to furnish to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.

Where a House to House Collection Permit has previously been granted, the Council will ordinarily revoke the permit if it is of the opinion that any of the circumstances listed above subsequently apply.

Consideration of financial information

All financial information provided as part of an application for a House to House Collection Permit will be handled in accordance with the Council's Information Security Policy.

The proportion allocated to the collection beneficiary must be clearly detailed by the applicant, this includes the calculations that have been used to determine the way that funding is allocated to each party involved in, or benefiting from, the collection.

The Council must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they

donate will be given to charity.

It is common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process at all levels, should also be considered as part of this assessment.

It is anticipated that in most cases, the amount allocated to the collection beneficiary should exceed 80% of the total amount collected (i.e. the amount collected before the deduction of any expenses and / or running costs).

If no previous returns have been supplied to the Council after previous licensed collections by the same organisation or individual within the Council's area then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

3. Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also those responsible for organising charitable collections.

In implementing this Policy, the Council will operate in accordance with the General Enforcement Policy and any other service specific enforcement policies or processes.

The provisions of this policy are discharged by the Council through the Licensing Board.

The Licensing Board had delegated the responsibility for enforcement of the House to House Collections Act to the Assistant Director of Community Safety and Street Scene. The Assistant Director has authorised officers to enforce the requirements of the legislation relevant to House to House Collections.

Appendix A: House to House Collection Permit Application Form**APPLICATION FOR A HOUSE TO HOUSE COLLECTION PERMIT**

This application must be completed by the individual or organisation that is promoting the collection ('the promoter'). The role and obligations of the promoter are outlined in the Council's House to House Collection Policy, and all applicants are advised to consult this document prior to making an application for a permit in Rotherham.

The information below (including that which is detailed in the notes at the end of this form) is the MINIMUM that must be provided in order to make an application for a permit in Rotherham. You may provide additional information in support

Name of Promoter	
Address and daytime telephone number of Promoter.	
Details of charitable purpose to which proceeds of the collection are to be applied (full details are to be enclosed with this application, including a copy of the authorisation from the charity to whom the proceeds will be sent). The additional information referred to in the notes below must also be included.	
Dates on which it is desired to make the collection(s) (Please include alternative dates should your first choice not be available)	

Localities within which it is desired to make the collection (if the application is to undertake a collection across the whole Borough then please state this, otherwise indicate the specific localities and the dates of each collection).	
Are you intending to collect money or personal financial information? (if yes then please provide details)	
Is it proposed to collect other property, if so, of what nature? Is it proposed to sell such property, give it away or use it for other purposes (please give details)?	
How many people will you authorise to undertake collections?	
How will the collectors be selected / appointed?	
How will the collections be undertaken? Please give details of any vehicles that will be used along with any literature / envelopes / collection bags that will be used as part of the collection.	
Will any person or organisation receive payment from the proceeds of the collection? If so then please give details of the payments that are made (see notes below for additional information) – continue on additional sheets of this is required.	
Payments to collectors:	
Payments to other persons:	

<p>Payments to an organisation (other than the charitable purpose for which the collection is being undertaken):</p> <p>Payments to the charitable organisation:</p>	
<p>Are you intending to apply for House to House Collection Permits from other local authorities?</p> <p>If so, please list the other authorities to which applications have been or will be made (attaching a separate sheet if required).</p>	
<p>Has the applicant or anyone associated with the promotion or undertaking of the collection, ever has an application under the Act refused or revoked?</p> <p>If so, please give full details.</p>	
<p>Is it proposed to promote the collection in conjunction with a street collection?</p>	
<p>If so, is it desired that the accounts of this collection should be combined wholly or partly with the accounts of the street collection?</p>	
<p>If the collection is for a War Charity, state if such a charity has been registered or exempted from registration under the War Charities Act 1940, and give the name of the registration authority and the date of registration or exemption.</p>	
<p>Please state if your charity holds an Order of Exemption under Section 3 of the House to House Collections Act 1939, as issued by the Secretary of State.</p> <p>If so, please enclose a copy of the Order.</p>	

<p>Please provide any additional information in support of your application (enclosing additional sheets if required).</p>	
<p>Declaration</p>	<p>I / we declare that to the best of my / our knowledge and belief that the foregoing information is correct and, if a permit is granted, I / we undertake to comply strictly with the Council's House to House Regulations as listed in the Council's House to House Collections Policy.</p> <p>I / we consent to the Council sharing this information with regulatory partners for the prevention and / or detection of crime.</p> <p>I / we confirm that we have reviewed the Council's House to House Collection Policy and the important notes and the end of this form, and have taken this information into consideration when making my / our application.</p>
<p>Signature of person(s) making this application</p>	
<p>Name(s) of person(s) making this application</p>	
<p>If you are not the promoter then please state the capacity in which you are making this application and provide confirmation of your authority to make this application on behalf of the promoter.</p>	
<p>Date of signature(s)</p>	

Please tick to confirm inclusion of the following information (see notes at the end of this form)

Details of the objectives of the charitable cause.	
A statement of the collection beneficiary's aims, and any literature to support this.	
Full details of the collection beneficiary.	
Full details of this individual / organisation making the application.	
Relevant accounts and financial statements.	
Details of how the amounts to be allocated to the charity, collectors and promoter are calculated.	
A basic Disclosure Certificate relating to the promoter.	

Your application will not be considered to be complete if any of the above information or anything detailed in the Important Notes is missing or unclear.

IMPORTANT NOTES:

- All sections of this application form must be completed – if any section is not relevant to your circumstances then please state 'not applicable' or 'n/a'.
- The following information must also be provided with the application:
 - Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission.
 - A statement of the collection beneficiary's aims, and any literature to support this.
 - Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
 - If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
 - Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
 - The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - The expected value of the money / items collected before any expenses are deducted ('the gross collection amount').
 - Full details of any deductions that will be applied to the 'gross collection amount' and how these will be calculated.
 - A written agreement between the applicant and the charity as required by the Charities Act 1992.

- Declaration of any previous refusals for House to House Collections
- A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
- It must be clear from your application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.
- You are advised to review and consider Rotherham MBC's House to House Collection Policy and the legislative extract prior to submitting your application.

Appendix B: Extract from the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) forming the Regulations for House to House Collection Licences pursuant to section 4 of the House to House Collections Act 1939

1. Title and extent

- (1) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (2) These regulations shall not extend to Scotland.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires: '*The Act*' means the House to House Collections Act 1939;

'chief promoter', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions or subsection (2) or section 1 of the Act as respects that collection;

'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

'licence' means a licence granted by a licensing authority under section 2 of the Act;

'order' means an order made by the Secretary of State under section 3 of the Act;

'prescribed badge' means a badge in the form set out in the Fourth Schedule to these regulations;

'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations;

'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 apply;

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations

as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence:
 - (a) to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
 - (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt

book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

(2) Every promoter of a collection shall exercise all due diligence to secure:

- (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
- (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

(3) In case of a collection in respect of which a licence has been granted:

- (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
- (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by licensing authority for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

(1) Every collector shall:

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age Limits

(1) No person under the age of sixteen years shall act or be authorised to act as a collector of money.

9. Importuning

- (1) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collecting of Money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

- (1) Every collector, to whom a collecting box or receipt book has been issued, shall:

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and

the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation:
 - (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
 - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
 - (c) these regulations shall have effect subject to the following modifications:
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made

only to such of the respective licensing authorities as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (5) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

- (1) The account required by the preceding regulation:
 - (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
 - (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property allocated.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.

- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc

- (1) The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.